

**MORLEY CORNER—TEMPLE BAPTIST CHURCH & SCHOOL
ZMAP 2009-0006 & SPEX 2009-0026**

ZONING ORDINANCE MODIFICATION REQUEST

July 30, 2009

April 9, 2010

The Applicant respectfully requests two Zoning Ordinance Modifications (“ZMODs”):

A. Modification of Section 4-205(C)(2) for the Northern Boundary of the Proposed PD-CC-NC District:

Zoning Ordinance Section to be Modified:

Section 4-205(C)(2) Lot Requirements. Yards, Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses. (All Centers) No building, parking, outdoor storage, areas for collection of refuse or loading area shall be permitted closer than (100) feet to any agriculture districts, any existing or planned residential district, or land bays allowing residential uses. No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses or areas are visible from said agricultural and residential areas.

Proposed Modification:

Northern property boundary of PD-CC-NC portion of Subject Property: To permit location of buildings, parking, outdoor storage, areas for collection of refuse or loading areas no closer than 20 feet along the northern property boundary of the proposed PD-CC-NC portion of the Subject Property to the adjacent R-16 zoning district.

Applicant’s Justification:

The existence of residential zoning to the north of the Subject Property, combined with the proposed layout of the Subject Property and the concurrent need to align the southern entrance along Ashburn Village Boulevard with that of Red Rum Drive has created a 1.74 acre land bay that is highly suitable for a small-scale commercial center to serve the convenience needs of the surrounding residential neighborhoods and the R-16 planned future residential development to the north.

The Applicant proposes a 20-foot perimeter yard along the northern property boundary of the proposed PD-CC-NC zone in order to ensure sufficient space for loading, parking, and trash removal for the PD-CC-NC portion of the Subject Property. In lieu of the requested decrease, the Applicant proposes a Type 3

Attachment 4

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side/rear buffer plantings adjacent to the existing R-16 zone rather than a Type 2 buffer plantings. This modification request is substantially the same as requested under the previously-approved Morley Corner application, which staff supported.

While already zoned and not included in this application, the R-16 site was sold by the Applicant to the current R-16 owner and has been planned to be physically integrated with the proposed development of the Subject Properties. Accordingly, the R-16 residential component will serve as an integrated component of the Morley Corner property as a whole and will not need to be buffered to the same extent as adjacent non-related surrounding properties that are developed with single-family detached units. This is particularly true given the joint sidewalk network between the two properties and complementary land uses. Under this application, the scale of the structures immediately adjacent to the R-16 residential component (the Auxiliary Ministries and the PD-CC-NC buildings) are smaller in size and provide less parking area than those previously approved under the prior Morley Corner application.

For purposes of encouraging integrated activities (i.e., walking, bicycling, worshipping, etc.) between the Subject Properties and the R-16 portion, a 100-foot buffer would provide too great a separation, while the proposed 20-foot Type 3 buffer plantings provide appropriate buffering between uses without creating a barrier between the uses. Given the site layout and the increased amount of open space being provided on the property, the proposed modification will permit well-designed interaction to occur between the parcels.

Additionally, the R-16 property's border with the Subject Properties requires a 25-foot Type 2 Buffer which, when aggregated with the proposed 20-foot landscaped perimeter yard on the Subject Property, provides a 45-foot buffer between any future residential dwelling units and the proposed loading, parking, and trash removal areas. The Applicant requests Staff's consideration that this is the same as that provided in the previously-approved Morley Corner application, while the proposed uses are less intense than the approved Morley Corner PD-CC-CC uses and will provide adequate sufficient protection. This is particularly true given the higher-density nature of the proposed dwelling units on the R-16 site and the likely expectations by future property owners concerning the Applicant's proposal when purchasing their property.

B. Modification of Section 4-305(B)(2) for the Northern Boundary of the Proposed PD-OP District:

Zoning Ordinance Section to be Modified:

Section 4-305(B)(2) Lot Requirements. Yards, Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses. No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (100) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas. When a PD-OP lot, parcel and/or land bay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the Subject Property as PD-OP, the setback required in (B) (3) below shall apply.

Proposed Modification:

Northern property boundary of PD-OP portion of Subject Property: To permit the location of buildings, parking, outdoor storage, areas for collection of refuse or loading areas no closer than 20 feet along the northern property boundary of the proposed PD-OP portion of the Subject Property to the adjacent to the R-16 zoning district.

Applicant's Justification:

The existence of residential zoning to the north of the Subject Property, combined with the proposed layout of the Subject Property and the concurrent need to align the southern entrance along Ashburn Village Boulevard with that of Red Rum Drive has created a 1.74 acre land bay that is highly suitable for a small-scale commercial center to serve the convenience needs of the surrounding residential neighborhoods and the R-16 planned future residential development to the north.

The Applicant proposes a 20-foot perimeter yard along the northern property boundary of the proposed PD-CC-NC zone in order to ensure sufficient space for loading, parking, and trash removal for the PD-CC-NC portion of the Subject Property. In lieu of the requested decrease, the Applicant proposes a Type 3 side/rear buffer plantings adjacent to the existing R-16 zone rather than a Type 2

buffer plantings. This modification request is substantially the same as requested under the previously-approved Morley Corner application, which staff supported.

While already zoned and not included in this application, the R-16 site was sold by the Applicant to the current R-16 owner and has been planned to be physically integrated with the proposed development of the Subject Properties. Accordingly, the R-16 residential component will serve as an integrated component of the Morley Corner property as a whole and will not need to be buffered to the same extent as adjacent non-related surrounding properties that are developed with single-family detached units. This is particularly true given the joint sidewalk network between the two properties and complementary land uses. Under this application, the scale of the structures immediately adjacent to the R-16 residential component (the Auxiliary Ministries and the PD-CC-NC buildings) are smaller in size and provide less parking area than those previously approved under the prior Morley Corner application.

For purposes of encouraging integrated activities (i.e., walking, bicycling, worshipping, etc.) between the Subject Properties and the R-16 portion, a 100-foot buffer would provide too great a separation, while the proposed 20-foot Type 3 buffer plantings provide appropriate buffering between uses without creating a barrier between the uses. Given the site layout and the increased amount of open space being provided on the property, the proposed modification will permit well-designed interaction to occur between the parcels.

Additionally, the R-16 property's border with the Subject Properties requires a 25-foot Type 2 Buffer which, when aggregated with the proposed 20-foot landscaped perimeter yard on the Subject Property, provides a 45-foot buffer between any future residential dwelling units and the proposed loading, parking, and trash removal areas. The Applicant requests Staff's consideration that this is the same as that provided in the previously-approved Morley Corner application, while the proposed uses are less intense than the approved Morley Corner PD-CC-CC uses and will provide adequate sufficient protection. This is particularly true given the higher-density nature of the proposed dwelling units on the R-16 site and the likely expectations by future property owners concerning the Applicant's proposal when purchasing their property.

C. Modification of Section 4-206(D)(1) for the PD-CC-NC Portion to be Served by a Private Road

Zoning Ordinance Section to be Modified:

Section 4-206(D)(1) Building Requirements. Vehicular Access, Neighborhood Centers. Local access roads.

Proposed Modification:

Section 4-206(D)(1) Building Requirements. Vehicular Access, Neighborhood Centers: To permit one full-movement access to the private access roadway serving the Subject Properties.

Applicant's Justification:

The Applicant's proposal seeks to maximize use of the approved Red Rum Drive/Ashburn Village Boulevard intersection and minimize the number of private commercial entrances and reduce traffic movements on Ashburn Village Boulevard. The traffic from the small-scale commercial use and the church-related uses can be served adequately by a private roadway, not requiring a public local street. Additionally, the reduced roadway width design permitted for private roadways serves to increase the amount of open space within the Subject Properties.



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**WALSH COLUCCI
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April 9, 2010

Via Hand Delivery

Ms. Ginny Rowen
Loudoun County Department of Planning
One Harrison Street, S.E., Third Floor
Leesburg, VA 20177

**Re: Second Referral Responses; ZMAP 2009-0006 & SPEX 2009-0026: Morley
Corner – Temple Baptist Church and School**

Dear Ms. Rowen:

On behalf of **Temple Baptist Church** (the “Church” or “Applicant”), I am providing this letter as a written response to the second round of referral agency comments in the above-referenced applications. For your convenience, each of the Staff comments are stated below and the Applicant's responses follow in bold.

**LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING
(SARAH MILIN, 2/12/2010)**

1. Staff finds that the proposal does not conform to the Revised General Plan's vision for Keynote Employment areas, which are planned for 100% office uses with ancillary, supportive civic and retail uses.

Applicant Response: The Applicant respectfully disagrees with the recommendation that the proposed uses are not in compliance with the Revised General Plan and submits that the proposed uses provide a land use mix that implements the civic component of the Keynote Employment Center land use mix and provides an ideal transitional use between the surrounding office and residential uses.

Keynote Employment Center Land Use Mix.

While the Applicant understands that the Revised General Plan calls for civic uses to remain ancillary to the predominant office uses of the Keynote Corridor, it seems appropriate to view the proposed uses and Subject Properties in the context of the larger Keynote Corridor rather than on an individual site basis. The Applicant's interpretation of the Keynote Employment Center policies as they relate to the Revised General Plan's

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ATTORNEYS AT LAW

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Keynote Land Use Matrix differs from Staff's interpretation. As noted in Keynote Employment Center Policy 4, "The land use mix (measured as a percentage of the land area) in a Keynote Employment area generally will comply with the following ratios..." (emphasis added). Policy 3 defines "Keynote Employment areas" as existing "along Route 7, Route 28, and the eastern end of the Dulles Greenway." Attaching responsibility for fulfilling the recommendations contained in the land use matrix on a parcel-by-parcel basis ignores the broader terminology of "Keynote Employment areas" to which such percentages have been attached. Further, the Land Use Pattern and Design guidelines of Chapter 6 note that, "[a]s each new development is absorbed into the Suburban Policy Area's built environment, it is important that it is viewed in the context of its larger community." (RGP, p. 6-2).

This broader interpretation is consistent with Staff's recommendations in a similar case involving a private school, SPEX 2004-0039 (Leesburg Pike Community Church), in which Staff determined that "[i]t seems appropriate to view this use and property in the context of the Keynote corridor rather than on an individual site basis. Viewed from the broader perspective, the proposed school and child care uses are a component of the significantly larger Keynote corridor." (BOS Public Hearing Staff report, page 10). Like the Subject Properties, the Leesburg Pike Community Church property is located in a Keynote Employment corridor, is less than 50 acres in size and, under Staff's logic, should not have been excluded from Land Use Pattern and Design Policy 8 of Chapter 6.

When viewed from a broader perspective, the proposed church, school, and child care uses are a component of the significantly larger Keynote Corridor. The Keynote land use mix envisions the implementation of civic uses and provides for a "no maximum" component. The school and after school uses are specifically included in the definition of civic uses within the Revised General Plan. In adopting the Revised 1993 Loudoun County Zoning Ordinance (hereinafter, "Zoning Ordinance"), the Board of Supervisors crafted the PD-OP zoning district as its preferred zoning district through which to implement Keynote Employment uses. The proposed church, accessory school, accessory before- and after-school child care, and accessory recreational facilities are permitted uses within the PD-OP zoning district.

Transitional Use.

It is also appropriate to consider the Subject Properties' location within the Keynote Corridor. Unlike the major transportation corridors of Loudoun County typically considered the premier office locations (i.e., Route 7, Route 28, Dulles Greenway, etc.), the Subject Properties are located at the western edge of the Keynote policy area, adjacent to the Residential policy area. Additionally, the Subject Properties are served by a major collector road (Ashburn Village Parkway), rather than an arterial roadway. The proposed uses are primarily institutional in nature and provide a definitive transition between the

residential development to the north, south, and west of the Subject Properties and the office/industrial uses to the east. Indeed, the potential “transitional” nature of the proposal was noted by Staff during PRAP 2008-0120 (Page 1) and this proposal will offer civic support services to Keynote employees and surrounding residents.

The Applicant disagrees with Staff’s assertion that the proposed church use is incompatible with adjacent existing and planned residential communities. Churches of all sizes exist harmoniously throughout Loudoun County’s residential areas, a point underscored by the fact that they are permitted, either by-right or by special exception, in most, if not all, residential zoning districts. Moreover, this proposal is more compatible with the predominantly residential nature of the surrounding properties than the previously approved Morley Corner application. The Subject Properties received approval under the Morley Corner application to permit up to 260,000 s.f. of retail and office uses between 11 two-story structures with a floor area ratio (“FAR”) of 0.29. This application significantly reduces the total combined building footprint by nearly half: 182,000 s.f. between three buildings with an FAR of 0.17 (well below the by-right permitted FAR of 0.6).

With respect to the proposed PD-CC-NC retail uses, the Subject Properties received approval under the Morley Corner application to permit up to 260,000 s.f. of retail and office uses; this application reduces the total retail component to 22,500 s.f., which reflects the reduced need for support retail services for the proposed land uses and which is more compatible as a transitional use with the Residential policy area adjacent to the Subject Properties on the west. The reduced retail area also acknowledges a significant regional retail center, the Shoppes at Ryan Park, located just to the south. The proposed PD-CC-NC retail component will be community-oriented and support the surrounding residential communities, church users, and office/industrial uses located within walking distance across Ashburn Village Boulevard.

The Subject Properties are proposed to be developed with a use that accords with the Keynote Employment Land Use Matrix, and which is permitted in the preferred zoning district for implementing Keynote Employment policies (PD-OP).

Given the reduced footprint of the proposed buildings over the previously-approved Morley Corner application, as well as considering the addition of significant active recreation space and reduced traffic levels during peak hours (which also reduces noise levels and reduced late-night traffic impacts), the proposed uses are more compatible with the neighboring residential uses than the previously-approved retail and office uses permitted under the Morley Corner application and will lead to greater balance within the community.

Building Scale.

Considering that the structure is visually separated from the R-16 portion of the Morley Corner Project by two smaller structures (the proposed Auxiliary Ministries Building and the PD-CC-NC pad site), and from the existing Farmwell Hunt community by forested areas and ballfields, the Applicant also disagrees with Staff's concerns about the scale of the Main Church building and its impact on surrounding residential communities. The Applicant is in full agreement with Staff's recommendation that future development on the site should be consistent with the high quality designs presented by the Applicant; accordingly, in providing high visual quality with a two-story massing of the stone and brick Main Church Building, the proposed structures are more reflective of the traditional design of many of the homes in the surrounding residential communities. The Applicant has worked hard to create building façades that vary in depth, use different (but compatible) massing materials throughout, and visually address concerns about the appearance of a larger structure.

Buffering / Open Space.

The Applicant is proposing a buffer larger than that previously committed to by the Morley Corner application. Additionally, this application proposes approximately 9.45 acres (or 45 percent) of the Subject Properties to be used as open space, including the proposed management buffer. Further, the Applicant has sited its open space recreational fields west of the Main Church Building and adjacent to the residential community to the west to provide a greater physical and visual separation between the Main Church Building and the Farmwell Hunt community.

Recreational Facilities.

With respect to the supposed incompatibility of the proposed outdoor recreational facilities, the Applicant notes that ballfields, tennis courts, and basketball courts are not only common in Loudoun County's residential areas, but are preferred as a matter of policy pursuant to the Suburban Policy Area's Open Space Policies. Specifically, Open Space Policy #2 notes that business and industrial land use areas are encouraged to provide "...active recreational facilities such as lighted ballfields...." (RGP, pg. 6-10). Ballfields, tennis courts, and other active recreational facilities may be found adjacent to schools, and in proffered open space areas of planned residential communities, including Farmwell Hunt. In many instances, such facilities do not enjoy the visual and physical separation from residential units as do the proposed recreational fields in this application.

Fiscal Impact.

Insofar as consideration of potential fiscal impacts are concerned, the proposed church and accessory private education uses will provide education capacity that would otherwise be required to be met by the public school system. Loudoun County Public Schools' ("LCPS") per pupil spending for the 2008-

2009 school year was \$12,780. The proposed 500-student private school (an estimated 90 percent of whom will be residents of Loudoun County) will provide a significant cost savings to Loudoun County of approximately \$5,751,000 per fiscal year, and LCPS will not need to incur new physical plants, classroom equipment, administrative personnel, or teacher salaries/benefits for these students. The proposed retail uses will provide employment and increased tax revenues for Loudoun County, while the proposed church and accessory school use will provide desirable employment by employing approximately 50 employees.

Transit Oriented Development.

A portion of the Subject Properties are located within the Transit Supportive Area. Consistent with Transit Oriented Development (“TOD”) Policies contained in Chapter 6 of the Revised General Plan, the proposed land uses will complement and support TOD uses, and will not compete with major retail, office, and service uses in the commercial core of future TOD area. Further, the Applicant’s proposal provides a new direct, private drive vehicular and pedestrian connection between Ashburn Village Boulevard and Waxpool Road, as well as pedestrian linkage between the Subject Properties and the R-16 residential component to the north. Moreover, churches and certain retail uses are permitted uses in the PD-TRC zoning district, as well as the Inner and Outer Core subareas of the PD-TREC zoning district, and accordingly, are appropriate to be considered transit-supportive uses.

2. Staff recommends that stronger reduced glare lighting commitments be provided. Appropriate commitments could include, but are not limited to, additional restrictions that exterior parking lot lights, with the exception of security lighting, shall be dimmed or turned off at certain times of night. Staff further recommends that Proffer IV.D be expanded to include similar restrictions on lighting for the basketball and tennis courts (i.e., that they may be lit until 9:30 p.m.).

Lastly, Staff strongly encourages the Applicant to explore and provide a commitment regarding the use of technologically advanced outdoor field lighting systems that are specifically designed to reduce off-site glare and reflection.

Applicant Response: The draft proffer statement has been updated to address Staff’s concerns [see proposed Proffer IV.D].

3. Staff requests a copy of the referenced noise attenuation study for review.

Applicant Response: The noise attenuation study is included in this submission for Staff review.

4. Staff recommends that stronger noise commitments be provided. Appropriate commitments could include, but are not limited to, restrictions that no public address system or loudspeakers will be allowed for the outdoor recreational uses; that no hand-held, “bullhorn”, type of sound enhancement will be permitted; and that the use of whistles for any purposes associated with outdoor recreation shall be limited to fields of play.

Applicant Response: The draft proffer statement has been updated to address Staff's concerns [see proposed Proffer IV.D].

5. Staff recommends that the Applicant depict the full 50-foot management buffer on the Concept Plan and appropriate sheets and commit to developing the stream corridor only with uses permitted by Plan policy. The Applicant should confirm that the “Potential Future Parking” area and the basketball/tennis courts fall outside of the recommended 50-foot management buffer.

Staff further recommends that the proposed Riparian Buffer (Proffer VI.B) and Tree Conservation Area (Proffer VI.A) commitments be strengthened and updated. Specific recommended changes include revising Proffer VI.A to limit encroachments that can be counted towards the 20 percent disturbance threshold to trails, stormwater management facilities, and utilities and removing the option in Proffer VI.B that clearing and grading may occur within the proposed 25-foot minimum riparian buffer prior to reforestation.

Staff also encourages the Applicant to consider expanding the proposed Tree Conservation Area width to the full 50-foot management buffer if possible in order to provide a greater vegetated buffer between the proposed outdoor recreational activities and adjacent residences in Farmwell Hunt.

Applicant Response: The Application has been revised to provide a 50-foot open space management buffer as shown on the CDP. Within the 50-foot management buffer, the Owner has established a 25-foot riparian buffer. Additionally, the Applicant has modified its site layout to remove one basketball court and move the proposed basketball/tennis courts from within 50-feet of the stream. Please note that the “Potential Future Parking” is located behind the 100-foot parking setback and over 100 feet from the existing stream. These revisions remove any impervious surfaces (i.e., playing courts, parking, etc.) from within 50 feet of the stream.

The Applicant has labeled the entire length of the 25-foot riparian buffer and approximately one-third of the 50-foot management buffer as a “Tree Conservation Area,” and no activities will be permitted therein except as needed for utility connections, outfalls, etc. As noted in Proffer VI.B, the Applicant is proposing to plant one hundred and seventy-five (175) deciduous and evergreen trees per acre where the Riparian Buffer is denuded or otherwise void of vegetation.

Between 25 feet and 50 feet of the management buffer from the floodplain, the only permitted activities will be to accommodate the pervious recreational fields (i.e., clearing, grading, and the installation of retaining walls). Upon completion, any disturbed areas within the management buffer will be seeded. The Applicant notes that such areas occur atop portions of the Subject Properties previously approved for impervious asphalt and rooftops and the proposed recreational fields and areas provide a significant amount of pervious area which permits water to infiltrate the ground before entering the intermittent stream.

The Applicant also submits that the previous Morley Corner application provided only a 25-foot buffer, which showed two encroachments into the 25-foot buffer, and had considerably more impervious area with only approximately 23 percent pervious surface area for the commercial portion of the project. Therefore, this application provides a wider buffer throughout the site with approximately 52 percent pervious surface area and riparian plantings.

6. Staff recommends a stronger commitment regarding on-site water quality approaches, for example bio-retention areas near stormwater inlets and providing forebays at the principal stormwater outfalls to the receiving stormwater management pond.

Applicant Response: While the Applicant does not control the Farmwell Hunt Pond nor is it in a position to make changes to the existing agreement, the Applicant notes that approximately one-third of the Subject Properties' water will be received off-site by a planned plunge pool (sediment forebay) on the R-16 portion of the Morley Corner site. Other water will be received by a storm water management pond east of Ashburn Village Boulevard. The Applicant will adhere to Best Management Practices ("BMPs") in accordance with the Facilities Standards Manual and state requirements. Detailed information concerning specific BMP measures will be provided at time of site plan. While the previous Morley Corner application proposed 23 percent pervious surface, the Applicant's plan proposes approximately 52 percent pervious surface, which allows for significant groundwater infiltration, offsets concerns about on-site water quality, and provides a considerable BMP benefit.

7. Staff recommends a commitment that the visual effect of the parking be softened through the use of enhanced year-round landscaping and/or berming, thereby ensuring the visual prominence of the buildings and mitigating the visual impacts of parking areas adjacent to Ashburn Village Boulevard and Waxpool Road.

Applicant Response: The Applicant will install additional low-level landscaping in the proposed Type 1 Buffer between the parking areas and Ashburn Village Boulevard and Waxpool Road to screen the parking areas.

8. Staff recommends that design guidelines be updated to reflect the uses proposed in this application and clarify how they will be administered.

Applicant Response: Revised as requested.

9. If the design guidelines are updated to reflect the current proposal, as recommended above, then the section pertaining to paved pedestrian areas should be strengthened to ensure that they are enforceable. Alternatively, language regarding crosswalks should be added to the proffer statement.

Applicant Response: Language concerning crosswalks has been added to the draft proffer statement [see proposed Proffer VII.C].

10. Staff recommends that Proffer IV.C be revised to specify a minimum capacity for the proposed bicycle racks.

Applicant Response: The draft proffer statement has been updated to address Staff's concerns [see proposed Proffer IV.C].

11. Staff understands the Applicant's reluctance to commit to extending the Waxpool Road off-site due to costs. However, if a continuous shared use trail is not provided along Waxpool Road, then bicyclists and pedestrians will be forced onto the street where they will compete with motor vehicles for pavement. This unsafe situation could be exacerbated in the future once the project is developed and bicycle and pedestrian activity on Waxpool Road increases. For these reasons, Staff recommends further discussion of this potential issue.

Applicant Response: The Applicant is continuing all transportation proffers from the Morley Corner rezoning despite the fact the proposed rezoning will generate less traffic than the approved rezoning. Proffer IV.B of the Morley Corner Proffer Statement provides a trail along the Waxpool Road and Ashburn Village Boulevard frontages for the Subject Properties [see proposed Proffer IV.B]. Due to the length of these two frontages and the high cost of constructing the trail over a stream (including the potential need to construct a bridge), the Applicant cannot extend the trail off-site.

LOUDOUN COUNTY DEPARTMENT OF PLANNING – ZONING ADMINISTRATION
(TERESA MILLER, 1/22/2010)

I. Critical Issues

1. Original Comment: *With the proposed development of the property, the application does not meet the purpose of the PD-OP zoning district as described in Section 4-301 as “primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities....” The applicant may wish to select a more appropriate zoning district which would permit all the proposed uses. A suggested district would be R-16, as a portion of the Morley Corner rezoning is already within this zoning district. Staff maintains the proposed development of the property does not meet the intent of the PD-OP zoning district.*

Applicant Response: The Applicant respectfully disagrees with Staff that this application does not meet the purpose of the PD-OP zoning district and differs with Staff’s inference that the purpose of the PD-OP district exists *purely* for “...administrative, business and professional offices...” The Applicant can find no “bright line” outer limit in Section 4-301 of the Zoning Ordinance which limits the purpose of the district to *only* administrative, business, and professional office uses. On the contrary, the Board of Supervisors, in adopting the PD-OP zoning district, included church and accessory school/child care uses as permitted and special exception uses precisely because they were deemed to be compatible with the district’s designation and furthered its purposes to provide institutional uses and “...accessory uses and facilities.” Presumably, uses which are incompatible with the stated purpose of the PD-OP zoning district and not in furtherance of its goals would not have been included in the PD-OP district’s use lists.

With respect to Staff’s suggestion that the Applicant seek R-16 as a more appropriate zoning district, under Staff’s technical read, the proposed uses would not meet the purpose of the R-16 zoning district any more than they would the purpose of the PD-OP zoning district since churches are not mentioned in Section 3-601 of the Zoning Ordinance any more than they are mentioned in Section 4-301 of the same. There does not exist a zoning district in which churches are the preferred, predominant land use. Churches are not specifically mentioned in the purpose section of any zoning district; aside from their listing in the by-right or special exception use lists, they are not preferred in any one zoning district over another. PD-OP is the preferred zoning district through which to implement the Keynote Employment designation and permits church uses by-right. Therefore, R-16 would provide no advantage to the Applicant and would potentially undermine the planned “Keynote” land use policies called for the Revised General Plan.

2. Original Comment: *The applicant has not demonstrated the school is accessory to the*

church. It appears the private school is a principal use, which is not permitted in the PD-OP zoning district. Note while Section 4-304(S) permits school, private, accessory to a church by special exception, the school must be accessory and open only to members of the church. Staff reiterates the applicant has not demonstrated the school is accessory to the church. By definition, an accessory use is one which is which is customarily incidental and subordinate to the principal use of the building. Co-location of two principal uses does not make them accessory to one another. Consistent administration regarding uses accessory to a church is that if the accessory uses are operated for the members of the Congregation it is considered accessory. That being said, should the applicant be able to demonstrate the school is accessory to the church, the Special Exception for Private School, Accessory to a church will not be required as the school would be allowed per the definition of church. Proffer II. A. will need to be updated accordingly as well as the removal of Sheet 6 from the plan set.

Applicant Response: Temple Baptist Church does not define “member,” nor does it specify what acts or behavior might give rise to a church “membership.” The Applicant does not consider attendees of its ministries or events “members,” and is unaccustomed to churches which hold events, worship services, or educational ministries open solely to “members.” Accordingly, the Applicant cannot demonstrate that the proposed Temple Baptist School is subordinate to Temple Baptist Church based upon criteria it does not use.

However, the Applicant asserts that Temple Baptist School is customarily incidental and subordinate to the proposed principal use of the Subject Properties, Temple Baptist Church, using other measurements. The Temple Baptist Church ministry provides a comprehensive life program that includes traditional Sunday worship services, religious and general education programs (including Temple Baptist School), and recreational programs. Temple Baptist School is an extension of the educational ministry of Temple Baptist Church, which has shaped its ministry to respond to the need for a religious-based educational facility.

The school offers care, instruction, and learning based upon subscription to Christian religious principles and the Church’s Statement of Faith. As noted in Harvest Christian Center v. Zoning Appeals Board of King George County, 55 Va. Cir. 279 (2001), churches of every denomination in the Commonwealth have historically offered educational facilities for children and viewed that education as an extension of, and integral to, their respective ministries. The same situation is found here, where Temple Baptist School cannot exist financially or physically without Temple Baptist Church. The converse, however, is not true.

From a financial and administrative management perspective, Temple Baptist School is accessory to Temple Baptist Church: the school is solely controlled and operated by the pastor and congregation of Temple Baptist Church; the church was founded eight years prior to the school; the school is entirely

dependent upon the church for classroom space, classroom equipment (i.e, chairs, chalkboards, lab equipment, textbooks, etc.); and the school does not lease space from the church.

From a physical space perspective, Temple Baptist School currently uses the same physical facilities as Temple Baptist Church's main church building in Herndon. The proposed facilities at the Morley Corner site will not only be used by Temple Baptist School, but will also be used by the church for other church ministries during non-school hours. The only facility to be used exclusively by the school will be the science laboratory, which is a requirement for state accreditation. From a ministry attendance perspective, Temple Baptist School will enroll 230 students in its educational ministry, while Temple Baptist Church is anticipated to serve more than 1,400 congregants for regular Sunday worship services. Co-location of school and worship uses on a single, large site will increase convenience for residents and reduce the number and length of vehicle trips area residents must currently make to church and parochial schools.

Upon written confirmation from Staff that that the Temple Baptist School uses are considered accessory to the proposed Temple Baptist Church and that the special exception is not needed, the Applicant is amenable to withdrawing SPEX 2009-0026.

3. Original Comment: *While the applicant is proposing a park use, the outdoor recreation areas as proposed are considered playing fields and courts, lighted. This use is not permitted in the PD-OP zoning district.* While the applicant may have recreational areas accessory to the church use, it is unclear if the recreation areas are more accessory to the church or to the school. If they recreation areas are to predominately be used for the school, this would further demonstrate the school is a principal use on the property.

Applicant Response: The proposed recreation areas are accessory to the church and are seen as a way for congregants of all ages to engage in programs to renew their physical and spiritual well-being in a safe, religious environment that will allow adults to grow in their relationships with Christ. As noted above, the Applicant provides a comprehensive life program that includes recreational activities that involve children, youth, adults, and senior adults. These recreational activities are sponsored by the church, not by the school. Church recreational teams participate in church leagues, not school leagues. The school uses the recreational facilities only for physical education classes during the school day, to comply with state accreditation requirements.

Like other churches, Temple Baptist has found that offering a recreational ministry attracts many participants that might not otherwise attend traditional worship services. Temple Baptist's recreational ministry seeks to provide spiritual relevance to modern families with a variety of physical health

activities. This ministry will serve as a gathering place for congregants to bridge cultural and social barriers, permit the church to gain visibility in the community, introduce the church to non-church-going members, and will be a place where congregants can use their gifts, talents, and abilities to further the mission of the church.

Rather than having a “winning season,” the purpose of Temple Baptist Church’s recreational ministry is to influence people with the mission of the church and the Gospel and provide a positive example of Christianity in action to the local community. It is hoped that individuals will find many ways to serve through recreation ministries (i.e., as a coach, a team parent, or as a referee, an umpire, etc.). The fellowship enjoyed through the recreational programs will help to build and strengthen interpersonal relationships and participants will learn skills which will affect them mentally, spiritually, socially, and morally.

Indeed, the Article 8 definition of “church” contemplates the value of recreational activities to religious institutions by including accessory recreational facilities. Accordingly, the Subject Properties were desirable to the Applicant and Temple Baptist Church’s recreational ministry is not accessory to Temple Baptist School and the Church would conduct its recreational ministry even without the existence of Temple Baptist School.

4. Original Comment: *The phasing plan for the project as listed in the Statement of Justification conflicts with the phasing plan as listed within Note 21, Sheet 1 of the plan set. The accessory uses such as the recreation areas may not be constructed until the principal use of the church has been established.* As proposed within Phase 1, the Phase 1 church building would appear to be subordinate to the recreational areas. Staff requests the applicant provide a more detailed time line regarding the phasing of the property. The time line regarding development of each phase should also be incorporated into Proffer II D. In addition, please elaborate on the proposed use of the Phase 1 Church building once the main building is completed in a future phase.

Applicant Response: As noted in proposed Proffer II.D, the Applicant plans to construct the proposed uses in four phases. Phase I will include the construction of the 2,400 s.f. “Phase I Church Building” (discussed below) and the construction of the lighted recreational playing fields, tennis and basketball courts. Construction of the Phase I Church Building will establish the church use on the Subject Properties and the recreational ministry areas will be accessory to the church use established on the site.

The Phase I Church Building will consist of a worship area that will include seating areas, restrooms, and a fireplace. Its open-air setting will make it an ideal location for regular outdoor worship services, sunrise services, outdoor church retreats, and youth activities. It will also host meditation/prayer

services before, during, and after recreational ministry events. Similar to a social/fellowship hall in other churches, the Phase I Church Building will include a small food preparation area for congregants attending the worship services and recreational ministry events, spaghetti dinners, pancake breakfasts, etc.

Since the proposed recreational areas will be established along with the church use and not independent of the church use, the recreation areas are appropriately characterized as accessory uses to the principal church use. As is the case with most recreational areas adjacent to churches and other institutional uses (i.e., schools), the recreational facilities proposed on the Subject Properties have a larger footprint than the principal structure to which they are deemed accessory. Simply because the church offers multiple sports fields/courts for its congregants in no way diminishes the fact that the recreational uses are accessory to the church use, are used for the church's recreational ministry, and cannot exist independent of the church use.

The proposed Phase I Church Building serves a *bona fide* religious use which meets the Article 8 definition of "church," which contemplates churches being "[a] structure or group of structures that is intended for the regular gathering of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses."

Phase II will include construction of the majority of the Main Church Building. Upon completion of Phase II, the Phase I Church Building will continue to be used in the same manner as in Phase I. Phase III will include the construction of the ministries building, as well as the addition of the Kindergarten space and playground as well as a 4,903 s.f. gymnasium expansion to the Main Church Building; and Phase IV will include the addition of a 5,217 s.f. Fellowship Hall and main auditorium balcony to the Main Church Building.

5. New Comment - Sheet 4, Pedestrian and Vehicular Circulation Plan indicates a planned private access road to be located within the PD-OP zoning district continuing into the R-16 zoning district. Private roads within the PD-OP zoning district may not be used to access the R-16 zoning district as uses permitted within the R-16 are not permitted in the PD-OP. As proposed, the access road will need to be a public road. In addition, Section 4-206(D)(1) requires the PD-CC-NC district to be accessed by a local access road, which is defined as a publicly owned and maintained street.

Applicant Response: Pursuant to the March 3, 2010 discussion with Staff and subsequent March 4, 2010 email from Ms. Teresa Miller, the Applicant or the owner of the R-16 portion of the Morley Corner site will install a chain across the driveway between the Subject Properties and MCPI #087-17-7312, which will be used for emergency vehicle access only. Additionally, the Applicant is proposing a modification of Section 4-206(D)(1), a copy of which is attached for

Staff review.

II. Responses to Section 6-1211(E) Zoning Map Amendments

1. Section 6-1211(E)(3) – *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.* Staff questions whether the size and scale of the proposed 140,000 square foot building is compatible with the surrounding uses, which are mostly residential. Staff remains concerned regarding the size and scale of the proposed structure. While the overall square footage is smaller than that proposed with the PD-CC-CC, the mass of the square footage is for a single user and a single building.

Applicant Response: The Applicant asserts that the proposed church use is compatible with adjacent existing and planned residential communities. Churches of all sizes exist harmoniously throughout Loudoun County's residential areas, a point underscored by the fact that they are permitted, either by-right or by special exception, in most, if not all, residential zoning districts.

Also, the massing and scale of the proposed Main Church Building is compatible with adjacent residential uses, are visually separated from surrounding residential uses by large setbacks, and provide an appropriate transitional use between the office communities to the east and the residential communities to the north and west of the Subject Properties. Additionally, the Subject Properties are planned for Keynote Employment uses, which anticipate large-scale buildings, and, therefore, are suitable as civic structures such as the proposed church.

In order to be sensitive to the adjoining residential communities, the Applicant has clustered the majority of its square footage of its proposed uses against two main thoroughfares to provide increased setbacks adjacent to existing and planned residential communities. The Main Church Building will be visually separated from the R-16 portion of the Morley Corner Project by two smaller structures (the Auxiliary Ministries Building and the PD-CC-NC pad site), and from the existing Farmwell Hunt community by forested areas, the Phase I Church Building, and ballfields.

The footprint of the proposed Main Church Building is 79,313 s.f., which is not out of scale with other buildings in the immediate vicinity of the Subject Properties. The "Corporate Campus at Ashburn Center," for example, groups three single-story office buildings (ranging from 54,098 s.f. to 71,774 s.f.) totaling more than 194,000 s.f. directly across Ashburn Village Boulevard from the Subject Properties on MCPI #088-38-1788. Similarly, the "Loudoun Corporate Center" groups six buildings ranging from 53,446 s.f. to 63,120 s.f. on MCPI #088-48-9847 and #088-49-8610. The Applicant asserts that, if such commercial buildings are appropriate for the area in the vicinity of the Subject

Properties, then so too should the Applicant's proposed church be equally appropriate.

The Applicant is in full agreement with Staff's recommendation that future development on the site should be consistent with the high quality architectural renderings presented by the Applicant. In providing a high visual quality with the two-story massing of the stone and brick Main Church Building, the building quality is more reflective of the traditional design of many of the homes in the surrounding residential communities. The Applicant has worked hard to create a building façade that varies in depth, uses different (but compatible) massing materials throughout, and visually address concerns about the appearance of a larger structure. The Applicant has sited its open space recreational fields west of the Main Church Building and adjacent to the residential community to the west to provide a greater physical and visual separation between the Main Church Building and the Farmwell Hunt community.

Moreover, this proposal is more compatible with the predominantly residential nature of the surrounding properties than the previously approved Morley Corner application. The Subject Properties received approval under the Morley Corner application to permit up to 260,000 s.f. of retail and office uses between 11 two-story structures with a floor area ratio ("FAR") of 0.29. This application significantly reduces the total combined building footprint by nearly half: 182,000 s.f. between three buildings with an FAR of 0.17 (well below the by-right permitted FAR of 0.6).

III. Modifications

1. Original Comment: *The applicant is proposing to modify Section 4-205(C)(2) which requires no building, parking, outdoor storage, areas for collection of refuse or loading area be permitted closer than 100 feet to a residential district. The applicant is proposing to reduce this 100-foot to 20 feet between the PD-CC-NC and the R-16. Staff does not support this reduction. Depending upon the use on the PD-CC-NC property, a Type 3 buffer could be required, which is a minimum of 25 feet. The applicant has proposed to plant a Type 3 buffer in lieu of a Type 2; however the width of the buffer is not sufficient to meet zoning ordinance requirements. As previously stated, Staff does not support this modification request.*

Applicant Response: The existence of R-16 zoning to the north of the Subject Properties, combined with the proposed layout of the Subject Properties and the concurrent need to align the southern entrance along Ashburn Village Boulevard with that of Red Rum Drive has created a 1.74-acre land bay that is highly suitable for a small-scale commercial center to serve the convenience needs of the surrounding residential neighborhoods and the R-16 planned future residential development to the north.

The Applicant proposes a 20-foot perimeter yard along the northern property boundary of the proposed PD-CC-NC zone in order to ensure sufficient space for loading, parking, and trash removal for the PD-CC-NC portion of the Subject Properties. In lieu of the requested decrease, the Applicant proposes a Type 3 side/rear buffer plantings adjacent to the existing R-16 zone rather than a Type 2 buffer plantings. This modification request is substantially the same as requested under the previously-approved Morley Corner application, which Staff supported.

While already zoned and not included in this application, the R-16 site was sold by the Applicant to the current R-16 owner and has been planned to be physically integrated with the proposed development of the Subject Properties. Accordingly, the R-16 residential component will serve as an integrated component of the Morley Corner property as a whole and will not need to be buffered to the same extent as adjacent non-related surrounding properties that are developed with single-family detached units. This is particularly true given the joint sidewalk network between the two properties and complementary land uses. Under this application, the scale of the structures immediately adjacent to the R-16 residential component (the Auxiliary Ministries and the PD-CC-NC buildings) are smaller in size and provide less parking area than those previously approved under the prior Morley Corner application.

For purposes of encouraging integrated activities (i.e., walking, bicycling, worshipping, etc.) between the Subject Properties and the R-16 portion, a 100-foot buffer would provide too great a separation, while the proposed 20-foot Type 3 buffer plantings provide appropriate buffering between uses without creating a barrier between the uses. Given the site layout and the increased amount of open space being provided on the property, the proposed modification will permit well-designed interaction to occur between the parcels.

Additionally, the R-16 property's border with the Subject Properties requires a 25-foot Type 2 Buffer which, when aggregated with the proposed 20-foot landscaped perimeter yard on the Subject Properties, provides a 45-foot buffer between any future residential dwelling units and the proposed loading, parking, and trash removal areas. The Applicant requests Staff's consideration that this is the same as that provided in the previously-approved Morley Corner application, while the proposed uses are less intense than the approved Morley Corner PD-CC-CC uses and will provide adequate sufficient protection. This is particularly true given the higher-density nature of the proposed dwelling units on the R-16 site and the likely expectations by future property owners concerning the Applicant's proposal when purchasing their property.

2. Original Comment: *The applicant is proposing to modify Section 4-305(B)(2) which requires no building, parking, outdoor storage, areas for collection of refuse or loading area be permitted closer than 100 feet to a residential district. The applicant is proposing to reduce this 100-foot to 20 feet between the PD-OP and the R-16. Staff does not support this reduction. As the R-16 portion of Morley Corner has not been established and Temple Baptist Church is an already established place of worship, the applicant has not demonstrated how the church is an integrated part of the community. The applicant has proposed to plant a Type 3 buffer in lieu of a Type 2; however the width of the buffer is not sufficient to meet zoning ordinance requirements. In addition, the applicant's justification for this modification includes the PD-CC-NC modification request. Please update the justification removing any reference to the PD-CC-NC. As previously stated, Staff does not support this modification request.*

Applicant Response: The existence of R-16 zoning to the north of the Subject Properties, combined with the proposed layout of the Subject Properties and the concurrent need to align the southern entrance along Ashburn Village Boulevard with that of Red Rum Drive has created a 1.74 acre land bay that is highly suitable for a small-scale commercial center to serve the convenience needs of the surrounding residential neighborhoods and the R-16 planned future residential development to the north.

The Applicant proposes a 20-foot perimeter yard along the northern property boundary of the proposed PD-CC-NC zone in order to ensure sufficient space for loading, parking, and trash removal for the PD-CC-NC portion of the Subject Properties. In lieu of the requested decrease, the Applicant proposes a Type 3 side/rear buffer plantings adjacent to the existing R-16 zone rather than a Type 2 buffer plantings. This modification request is substantially the same as requested under the previously-approved Morley Corner application, which Staff supported.

While already zoned and not included in this application, the R-16 site was sold by the Applicant to the current R-16 owner and has been planned to be physically integrated with the proposed development of the Subject Properties. Accordingly, the R-16 residential component will serve as an integrated component of the Morley Corner property as a whole and will not need to be buffered to the same extent as adjacent non-related surrounding properties that are developed with single-family detached units. This is particularly true given the joint sidewalk network between the two properties and complementary land uses. Under this application, the scale of the structures immediately adjacent to the R-16 residential component (the Auxiliary Ministries and the PD-CC-NC buildings) are smaller in size and provide less parking area than those previously approved under the prior Morley Corner application.

For purposes of encouraging integrated activities (i.e., walking, bicycling, worshipping, etc.) between the Subject Properties and the R-16 portion, a

100-foot buffer would provide too great a separation, while the proposed 20-foot Type 3 buffer plantings provide appropriate buffering between uses without creating a barrier between the uses. Given the site layout and the increased amount of open space being provided on the property, the proposed modification will permit well-designed interaction to occur between the parcels.

Additionally, the R-16 property's border with the Subject Properties requires a 25-foot Type 2 Buffer which, when aggregated with the proposed 20-foot landscaped perimeter yard on the Subject Properties, provides a 45-foot buffer between any future residential dwelling units and the proposed loading, parking, and trash removal areas. The Applicant requests Staff's consideration that this is the same as that provided in the previously-approved Morley Corner application, while the proposed uses are less intense than the approved Morley Corner PD-CC-CC uses and will provide adequate sufficient protection. This is particularly true given the higher-density nature of the proposed dwelling units on the R-16 site and the likely expectations by future property owners concerning the Applicant's proposal when purchasing their property.

IV. Proffers

1. Proffer I. Concept Development Plan – The title for Sheet 3 will need to be updated to Concept Development Plan, as it currently is titled the Conceptual Development Plan.

Applicant Response: The Concept Development Plan has been updated to correspond with Staff's suggestion.

2. Proffer I. Concept Development Plan – This proffer references the Zoning Map Amendment Plan dated July 30, 2009, revised through December 2, 2009. The revision date on all sheets of the plan is listed as December 8, 2009. Please update to reflect the correct revision date.

Applicant Response: The Concept Development Plan has been updated to correspond with Staff's suggestion.

LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ENVIRONMENTAL REVIEW TEAM (TODD TAYLOR, 1/21/2010)

1. To demonstrate compliance with Revised General Plan (RGP) River and Stream Corridor Policy 2, please depict the full 50-foot management buffer on the rezoning plan set and the special exception plat. Note that the "Potential Future Parking" identified on the

rezoning plan set and the basketball courts identified on the special exception plat are not permissible uses within the buffer, per River and Stream Corridor Policy 18.

Applicant Response: The Application has been revised to provide a 50-foot open space management buffer as shown on the CDP. Within the 50-foot management buffer, the Owner has established a 25-foot riparian buffer. Additionally, the Applicant has modified its site layout to remove one basketball court and move the proposed basketball/tennis courts from within 50-feet of the stream. Please note that the “Potential Future Parking” is located behind the 100-foot parking setback and over 100 feet from the existing stream. These revisions remove any impervious surfaces (i.e., playing courts, parking, etc.) from within 50 feet of the stream.

The Applicant has labeled the entire length of the 25-foot riparian buffer and approximately one-third of the 50-foot management buffer as a “Tree Conservation Area,” and no activities will be permitted therein except as needed for utility connections, outfalls, etc. As noted in Proffer VI.B, the Applicant is proposing to plant one hundred and seventy-five (175) deciduous and evergreen trees per acre where the Riparian Buffer is denuded or otherwise void of vegetation.

Between 25 feet and 50 feet of the management buffer from the floodplain, the only permitted activities will be to accommodate the pervious recreational fields (i.e., clearing, grading, and the installation of retaining walls). Upon completion, any disturbed areas within the management buffer will be seeded. The Applicant notes that such areas occur atop portions of the Subject Properties previously approved for impervious asphalt and rooftops and the proposed recreational fields and areas provide a significant amount of pervious area which permits water to infiltrate the ground before entering the intermittent stream.

The Applicant also submits that the previous Morley Corner application provided only a 25-foot buffer, which showed two encroachments into the 25-foot buffer, and had considerably more impervious area with only approximately 23 percent pervious surface area for the commercial portion of the project. Therefore, this application provides a wider buffer throughout the site with approximately 52 percent pervious surface area and riparian plantings.

2. Staff finds that the “clearing” and “grading” allowance in the Riparian Buffer proffer (Proffer VI.B), and the undefined land uses permissible towards the 20 percent disturbance threshold in the Tree Conservation Area proffer (Proffer VI.A), does not meet the intent of the River and Stream Corridor Policies in the RGP. In addition, the current layout likely accounts for the full 50-foot management buffer.

As such, Staff encourages the applicant to identify the full buffer as a tree conservation area on the rezoning plan set and special exception plat. As previously stated, the young vegetation (early succession) immediately east of the mature trees along the floodplain corridor is suitable for preservation and is preferred over vegetation removal and replanting. In addition, the Tree Conservation Area proffer should be updated to limit encroachments that can be counted towards the 20 percent disturbance threshold, to trails, stormwater management facilities, and utilities, consistent with language approved by the County Arborist and with other recent rezoning applications. Increasing the tree conservation area width will better protect the stream from site runoff, including fertilizers, pesticides, and insecticides used to maintain the athletic fields. As stated on Page 5-32 of the RGP, "riparian forests along streams provide the greatest single protection of water quality by filtering pollutants from stormwater runoff, decreasing stream bank erosion, and maintaining the physical, chemical, and biological condition of the stream environment". If the above changes are made, the Riparian Buffer proffer could be removed. The changes should also result in less expense to the applicant.

Applicant Response: The Application has been revised to provide a 50-foot open space management buffer as shown on the CDP. Within the 50-foot management buffer, the Owner has established a 25-foot riparian buffer. The Applicant has labeled the entire length of the 25-foot riparian buffer and approximately one-third of the 50-foot management buffer as a "Tree Conservation Area," and no activities will be permitted therein except as needed for utility connections, outfalls, etc. As noted in Proffer VI.B, the Applicant is proposing to plant one hundred and seventy-five (175) deciduous and evergreen trees per acre where the Riparian Buffer is denuded or otherwise void of vegetation.

The Applicant also submits that the previous Morley Corner application provided only a 25-foot buffer, which showed two encroachments into the 25-foot buffer, and had considerably more impervious area with only approximately 23 percent pervious surface area for the commercial portion of the project. Therefore, this application provides a wider buffer throughout the site with approximately 52 percent pervious surface area and riparian plantings.

3. Besides the acknowledgement of the Stormwater Management proffer (Proffer VI.D), the applicant has not provided information regarding anticipated onsite water quality measures. Staff's previous comments highlighted the importance of onsite water quality measures considering the receiving stormwater (SWM) pond was constructed without a sediment forebay, which is now a requirement for all new ponds. Staff understands the need for flexibility, but requests that the applicant describe the onsite water quality approaches being considered. Previous ERT comments for ZMAP-2006-0003, which remain applicable, recommended the use of bioretention near stormwater inlets and providing forebays at the principal stormwater outfalls to the pond. [Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO) Section 6-1211(E)(9)]

Applicant Response: Due to the site layout, the Applicant cannot commit to providing surface ponds or forebays on the Subject Properties. While the Applicant does not control the Farmwell Hunt Pond nor is it in a position to make changes to the existing agreement, the Applicant notes that approximately one-half of the Subject Properties' water will be received off-site by a planned plunge pool (sediment forebay) on the R-16 portion. Other water will be received by a storm water management pond east of Ashburn Village Boulevard. The Applicant will adhere to Best Management Practices ("BMPs") in accordance with the Facilities Standards Manual. More information concerning specific BMP measures will be provided at time of site plan. While the previous Morley Corner application proffered 23 percent pervious surface, the proposed plan proposes approximately 52 percent pervious surface, which allows for significant groundwater infiltration, offsets concerns about on-site water quality, and provides a considerable BMP benefit.

4. The applicant's responses state that the athletic fields will be irrigated using an onsite well. Staff recommends that the applicant consider cistern storage of rooftop runoff that can be harvested for irrigation. Staff further recommends that the applicant complete a hydrogeologic assessment for this application as early in the land development process as feasible. Section 6.240 of the Facilities Standards Manual (FSM) requires a hydrogeologic assessment where a development extracts an average of 10,000 gallons per day during a 30-day period. [Revised 1993 LCZO Section 6-1211(E)(5)]

Applicant Response: The Applicant will be incorporating energy and water saving features in the design of the buildings, but is not far enough along in the building design process to commit to any program at this time. Some examples of these measures may include energy recovery heating and air-conditioning units, tankless hot water heaters, and water saving fixtures and toilets. At this time, a cistern is not being considered.

5. The applicant's responses reference a noise attenuation study that has been completed by Polysonics Corporation. Please provide a copy of the study for Staff to review. [CTP Noise Policy 2 and RGP Highway Noise Policies 1 and 3]

Applicant Response: A copy of the referenced noise attenuation study is enclosed with this letter.

6. The applicant's responses state that incorporating energy and water saving features in the design of the buildings is being considered, but is not far enough along in the building design process to commit to any program at this time. The responses go on to state that examples of the measures being considered include energy recovery heating and AC units, tankless hot water heaters, and water saving fixtures and toilets. Staff supports energy and water saving measures and is available to discuss design options. County

school and public facilities have had recent success incorporating such measures and could be a resource with the proposed project.

Applicant Response: Comment noted.

LOUDOUN WATER (JULIE ATWELL, 2/4/2010)

1. As previously commented, change general note 8 (sheet 1) to read Loudoun Water could provide water and sanitary service to the proposed development through extension of existing facilities. Water and sewer service would be contingent upon the developer's compliance with the authority's Statement of Policy, Rates, Rules and Regulations and Design Standards.

Applicant Response: Note 8 of Sheet 1 has been updated to correspond with Staff's recommendation.

2. Show location of proposed water and sewer facilities on Special Exception plat.

Applicant Response: The Special Exception Plat has been updated to correspond with Staff's recommendation.

VIRGINIA DEPARTMENT OF TRANSPORTATION (JOHN BASSETT, 1/21/2010)

1. Please see the attached memorandum dated January 21, 2010 from Mr. Arun Raj of VDOT's Traffic Engineering Section: We do not have any comments on the revised submission as consultants have responded to our comments on the previous submission. Although a signal is intuitively warranted based on the analysis for projected traffic; however, we recommend that a signal warrant study be re-examined no earlier than one year prior to build out of the project. Signal warrant study needs to be provided in a separate booklet and alternatives other than a traffic signal should be provided in the study. As of July 1, 2009, all warrant studies should be signed and sealed by a professional engineer registered in the Commonwealth of Virginia.

Applicant Response: Comment noted.

2. Please see the attached e-mail dated Tuesday, January 12, 2010 from Mr. Cina Dabestani of VDOT's Transportation Planning Section: Response to comment made for the traffic impact analysis dated July 29, 2009 that was prepared by Grove/Slade Associates, Inc, has clarified the ambiguity of how ADTs were computed. Therefore, TP is satisfied with

the response on it's request for clarification and has no further comment or request. Thanks for the opportunity to review and comment.

Applicant Response: Comment noted.

VIRGINIA DEPARTMENT OF TRANSPORTATION (JOHN BASSETT, 2/26/2010)

1. This applicant should dedicate one half of the ultimate right of way (U6M; 120' right of way; V = 45 mph) or 60' from centerline *plus land dedication for turn lanes* on Ashburn Village Boulevard. Right of way dedication should be sufficient to encompass the roadway and its appurtenances and should extend at least one (1) foot behind any feature intended to be maintained by VDOT. Drainage structures are typically 4' wide; therefore, it appears that an additional right of way dedication of approximately 5' behind the back of curb in the right turn lane in the ultimate condition is still needed.

Applicant Response: The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning, even though peak hour traffic is reduced. Specifically, Proffer V.A.1 and 2 of the proffers associated with the Morley Corner application, provides for the dedication of right-of-way and the construction of two lanes of an interim four lane divided road section of Ashburn Village Boulevard across the frontage of the Subject Properties, in addition to right turn lanes and left turn lanes for the two full-movement entrances to the Property [see proposed Proffer V.A].

LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES (GEORGE PHILLIPS, 3/19/2010)

- 1b. Based on the proposed size of the retail component, OTS agrees that utilizing ITE Code 814 for a Specialty Retail Center is acceptable. However, the applicant has not clarified if an automated carwash is to be included with the proposed development and, if so included, whether the trip calculations for the car wash will be based on the ITE Code 948 for an automated car wash. Issue not resolved.

Applicant Response: No automated carwashes are contemplated in this proposal and as a result, the Applicant has used Code 814 for a Specialty Retail Center.

- 1f. The applicant notes that the proposed recreational fields are not contemplated to be open to the general public. This needs to be clarified in the proffers. Assuming the applicant clarifies that the fields are for use only by the private school, then the trip generation for

the fields would not need to be calculated separately from ITE Code 536 for a Private School (K-12).

Applicant Response: The draft proffer statement have been updated to reflect the fact that the proposed recreational fields will be used only in conjunction with church activities only and will not otherwise be open to the general public [see proposed Proffer IV.D]. The fields form a part of Temple Baptist Church's recreational ministry and the Applicant has accounted for the trips generated by the proposed recreational fields as a part of the overall church development (which assumes a private school accessory to the church). Apart from church use, there will not be any use the proposed recreational fields.

- 2a. OTS has reviewed the Applicant's "proffer allocation agreement" and understands its intent to carry forward all Ashburn Village Boulevard Improvements (i.e., completion of two additional (southbound) lanes plus left and right turn lanes) across the entire Morley Corner property, including the residential parcel north of the current subject site) that were proffered under ZMAP 2006-0003. While the "proffer allocation agreement" lists these improvements and contains date certain requirements for the bonding, commencement of construction, and completion of these improvements, the County is not party to this agreement. The draft proffer statement (Proffer V.A.1.), however, only references improvements "across the frontage of the Property as shown on the CDP" and states that "the Owner shall construct or bond these improvements prior to or in conjunction with the approval of the first record plat or first site plan for development on the Property, whichever occurs first". OTS therefore recommends that the full extent of the proposed improvements as outlined in the "proffer allocation agreement" be included in the Applicant's draft proffer statement so that the County can be assured that the full extent of these improvements will be completed and open to traffic by the date indicated. OTS Staff defers to the Office of the County Attorney for further review and comment on this matter.

Applicant Response: The Applicant cannot commit to incorporating the "Proffer Allocation Agreement" into the proposed proffers. The agreement, denotes internal funding arrangements and deadlines between to the two parties that are immaterial to the construction triggers contained in the proposed proffers. For the purposes of this application and the improvements related thereto, the proposed draft proffer statement will govern the Applicant's timing and commitment for any improvements; the County will be a party to that agreement.

- 2c. OTS continues to recommend \$57,875 in keeping with the previous engineering estimate. Issue not resolved.

Applicant Response: While the Applicant believes the proposal's generated traffic volume in relation to projected total future volume is 14 percent, the

Applicant has agreed to maintain the existing transportation proffers from the Morley Corner rezoning even though peak hour traffic is reduced. Per Staff request, the Applicant will agree to funding in the amount of \$57,875 towards a traffic signal at the intersection of Ashburn Village Boulevard and Waxpool Road [see proposed Proffer V.C].

4. The label "IF REQUIRED" is still included for the Waxpool Road dedication (Route 625) on sheet 4 of the plat. As noted in the attached email (see *Attachment 1*), provided the label "IF REQUIRED" is removed from the plat, this issue is resolved. Please ensure that the ultimate right-of-way to be dedicated is consistent with CPAP 2006-0051, as revised, and associated dedication plats.

Applicant Response: The plan set has been revised to show a right-of-way dedication to be provided per CPAP 2006-0051 to avoid any potential conflicts.

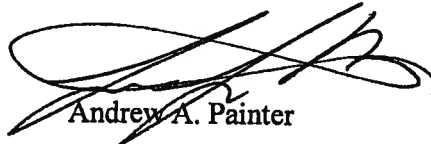
9. OTS sees no reason that the County or VDOT would want this land. OTS recommends that the Applicant transfer this land to the property owner on the east side of Ashburn Village Boulevard. OTS has no further comments on this issue.

Applicant Response: Acknowledged.

With the foregoing responses, the Applicant anticipates being scheduled for the May 26, 2010 Planning Commission public hearing.

Very truly yours,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.



Andrew A. Painter

Enclosure

cc: Dr. David L. Pittman, Senior Pastor, Temple Baptist Church
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Mr. Benjamin Rose, Bowman Consulting
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POLYSONICS

Acoustics & Technology Consulting

TRAFFIC NOISE ANALYSIS
MORLEY CORNER
Loudoun County, VA

Report #5413

June 30, 2009

Prepared for: Landsdowne Development
Prepared by: George Spano Polysonics Corp.

EXECUTIVE SUMMARY

Polysonics has completed a Traffic Noise Analysis for Landsdowne Development at the Morley Corner site in order to determine traffic noise impact from Ashburn Village Boulevard (Route 772 Widened) upon the property (see Figure 1). Traffic noise measurements, forecasted traffic volumes, and proposed site plan information were utilized to determine future traffic noise levels for the site. Polysonics understands the Loudoun County Comprehensive Plan Policy to specify that traffic noise impact occurs when noise levels approach 67 dBA L_{eq} (peak hour) for outdoor areas. The term "approach" is interpreted as 1 decibel less than the noise abatement criteria (67 dBA L_{eq} (peak-hour)).

The results of the analysis indicate that recreational areas near the lake in the center of the property will not be impacted by future traffic noise exceeding 66 dBA L_{eq} (peak-hour), readily meeting Comprehensive Plan Policy standards.

Buildings along Ashburn Village Boulevard will be impacted by future traffic noise levels exceeding 66 dBA L_{eq} (peak hour) but not exceeding 70 dBA L_{eq} (peak hour). Residential building materials should have windows facing Ashburn Village Boulevard that do not exceed approximately 30% of the exterior surface area of any room and have a 30 Sound Transmission Class rating.

Details of this study are provided herein.

TRAFFIC NOISE IMPACT POLICY

The Loudoun County Comprehensive Plan Policy (LCCPP) specifies traffic noise impact on residential developments. The limits imposed are as follows:

Table 1: Loudoun County Noise Policy and HUD Traffic Noise Impact Standards

Location	Noise Abatement Criteria	Noise Impact	Standard
Outdoor	67 dBA L_{eq} (peak-hour)	66 dBA L_{eq} (peak-hour)	Loudoun County
Indoor	52 dBA L_{eq} (peak-hour)	51 dBA L_{eq} (peak-hour)	Loudoun County
Indoor	45 dBA L_{dn}	45 dBA L_{dn}	HUD

The Loudoun County Revised Countywide Transportation Plan (RCTP) (Chapter 4, page 8) states that traffic noise impact "occur[s] when the predicted traffic noise levels approach or exceed the noise abatement criteria." Polysonics understands "approach" to mean "1 decibel less than" the noise abatement criteria.

The outdoor limits generally apply to sound-sensitive outdoor recreational activity areas such as rear yards, tot-lots, swimming pools, play courts, and seating areas.

The indoor noise limits generally apply to sound sensitive indoor areas such as bedrooms, living rooms, dining rooms and dens. The recommended HUD Indoor Noise Criteria is typically specified in the Washington, D.C. Metro area, and uses the L_{dn} metric.

The L_{dn} is a 24-hour, time averaged noise level with a 10-dBA "penalty" added during the nighttime hours of 10:00 pm to 7:00 am to account for greater human sensitivity to noise at night.

When peak hour traffic is 10% and nighttime traffic is 15% of the average daily traffic volume, L_{eq} (peak-hour), is approximately equal to L_{dn} . As such, L_{eq} (peak-hour) and L_{dn} will be treated as equivalent for the purposes of this study.

EXISTING NOISE AND TRAFFIC CONDITIONS

On June 12, 2009, Polysonics conducted a peak noise traffic noise measurement survey at the Morley Corner site to determine traffic noise impact from Ashburn Village Boulevard upon the property. Ashburn Village Boulevard is a two and four lane highway which changes to two lanes at the site and will be widened up to six lanes. Traffic noise measurements were made at two locations on the property, designated as M1 and M2, per the enclosed site plan (Drawing #1). M1 was positioned approximately 80 feet from the edge of the nearest travel lane of Ashburn Village Boulevard which would be the distance to the nearest house when the roadway is widened. This microphone is proximately 10' about the highway pavement. M2 was 150 feet from the nearest travel lane form Ashburn Village Boulevard and would be the distance from the existing highway edge to the nearest house location. This microphone is proximately 20' about the highway pavement the instrumentation used for the survey included two Bruel and Kjaer Type 2236 Integrating Sound Level Meters. These instruments are capable of measuring noise levels and calculating statistical results over the time period measured. These units meet ANSI S1.4 standards for Type I Sound Level Meters. The meters were calibrated prior to the

measurement survey, traceable to National Institute of Standards and Technology (NIST). The measurement was made in the standard dBA metric, which best simulates human hearing and is in accordance with Loudoun County Comprehensive Plan Policy noise policy and United States Department of Housing and Urban Development standards.

During the 2-hour survey, 10-minute L_{eq} 's were measured and logged into the instrument. The L_{eq} is the average noise level measured over some given time period; in this case, that time period was 10 minutes. The Loudoun County Comprehensive Plan Policy standards are written in terms of the L_{eq} values during the peak-hour. Table 2, below, shows the noise levels measured at each location.

Table 2: Measurement Locations and Sound Level Results

Measurement Location	Distance to nearest travel lane of Ashburn Village Boulevard	Peak-hour L_{eq}
M1	80 feet	65.7 dBA
M2	150 feet	56.6dBA

In addition to the noise measurements, peak-hour traffic counts of the roadway were carried out. This information is used to understand the traffic composition and volumes that contributed to the recorded sound levels at the time of measurement.

A chart showing the measured 2-hour noise levels as well as the 10-minute variation for the three measurements is enclosed in the appendix (Figure 2 and 3 Noise Survey Measurements – Results).

FUTURE NOISE LEVELS

Utilizing noise level measurements from the measurement survey, future noise levels, accounting for increased traffic volumes, and proposed site conditions were calculated.

Table 3: Traffic Parameters used in Model – Ashburn Village Boulevard

Parameter	North of Waxpool Road
Current (Year 2008) Peak-hour Traffic Volume	850 vehicles
Future (Year 2030) Peak-hour Traffic Volume	2,300 vehicles
Current (Year 2008) Peak-hour Directional Split (EB/WB)	57%/43%
Future (Year 2030) Peak-hour Directional Split (EB/WB)	40%/60%
Modeled Speed	40 mph
Percent Autos	98.8%
Percent Med Trucks	0.8%
Percent Hvy Trucks	0.4%

The Peak-hour traffic volumes were counted by Polysonics for the Year 2009. The posted speed limits were used. Vehicle composition percentages were obtained from Polysonics' traffic counts.

The location and elevation of the roadway, along with information regarding existing and proposed site conditions and future traffic volume were obtained from Bowman Consulting.

Receiver locations were placed in the designated nearest residential structure location at the facades of proposed residential buildings.

Please note that the noise contours are *unmitigated* and do not account for the mitigation effects of proposed buildings or other existing structures on the property. The noise contours do, however, reflect the effects of proposed grading. Therefore, in summary, the unmitigated noise

contours for the purposes of this analysis reflect sound levels with no objects present on the proposed grading.

Also note that the traffic noise contours are approximations, and are presented solely as a general indication of the traffic noise impact to the site. The noise contours should be utilized for reference purposes only in all circumstances.

OUTDOOR NOISE IMPACT

According to the Loudoun County Comprehensive Plan Policy, the Morley Corner site must achieve 66 dBA L_{eq} (peak-hour) for outdoor activity areas. The outdoor limits apply to sound-sensitive outdoor recreational activity areas such as the lake viewing and seating areas.

Polysonics has delineated the locations of the future unmitigated ground level 66 dBA L_{eq} (peak-hour) noise contour on the enclosed Drawing #1. As shown by the contour, the proposed activity areas by the Lake will be located outside of the future unmitigated 66 dBA L_{eq} (peak-hour) noise impact zone, readily meeting Loudoun County Comprehensive Plan Policy requirements.

Polysonics recommends this traffic noise analysis be reviewed upon determination of final grading, building locations, and outdoor areas to ensure compliance with Loudoun County noise codes.

INDOOR NOISE IMPACT

A residential unit of standard construction will reduce noise levels by 20 dBA without modification. This means noise levels as high as 71 dBA will be reduced to the required Loudoun County Comprehensive Plan Policy limit of 51 dBA.

All the buildings will be located outside the 71 dBA L_{eq} (peak-hour) noise impact zone, no modifications to building materials are anticipated, provided windows do not comprise more than 30% of the exterior surface of any room and have a 30 STC rating. However, Buildings along Ashburn Village Boulevard will be located inside the 66 dBA L_{eq} peak hour noise impact zone. Noise levels can reach as high as 70 dBA on the faces of the buildings toward Ashburn Village Boulevard.

The ground along Ashburn Village Boulevard is grass covered, referred to as a "soft site". Sound decays at a rate of 4.5 dB per doubling of distance over a soft site. As height above the

ground increases, the absorbing effect is diminished; sound decays at a rate of 3 dB per doubling of distance. This means that for a given distance from a roadway sound levels will be higher as height above the ground increases. Since the upper floors experience the highest noise levels on any particular building, the focus of noise impact to buildings is limited to upper floors.

Sound Transmission Class or STC rating is used to classify the sound insulation performance of a partition. A higher STC rating yields greater sound insulation performance. The recommended interior noise levels of 45 dBA can be achieved with modified windows, doors and wall constructions. Given the impact to the affected buildings Polysonics anticipates using building materials, exhibiting acoustical ratings as shown in Table 4.

Table 4: Preliminary STC Ratings for Building Elements

Building Element	STC Rating
Walls	39 STC
Windows*	30 STC
Doors*	30 STC

*Windows and glass doors should not comprise more than 20%-30% of the exterior surface of any room.

Please note that these values only provide general guidelines for mitigation and are not for design and construction purposes. It is recommended that a Building Shell Analysis be performed when architectural floor plans become available to determine accurate modifications, necessary to insure recommended interior noise levels.

RESULTS AND CONCLUSION

In conclusion, the following points address the major acoustical comments of this project:

- The Loudoun County Comprehensive Plan Policy states that traffic noise levels of 66 dBA Leq (peak hour) be achieved for outdoor recreational activity areas.
- The noise levels at proposed outdoor recreation areas along the Lake are and will be lower than 66 dBA Leq (peak-hour), readily meeting Loudoun County Comprehensive Plan Policy noise policy.

APPENDIX

- All rows of residential buildings located along Ashburn Village Boulevard are impacted up to 70 dBA Leq (peak-hour). Materials provided for these building facing Ashburn Village Boulevard shall have windows and doors not exceeding 30% of the total exterior surface area of any room and have a 30 Sound Transmission Class rating.
- A residential unit of standard construction in today's market will reduce noise levels as high as 65 dBA to a required level of 45 dBA without modification. Future traffic noise levels of 70 dBA Leq will impact Buildings along Ashburn Village Boulevard where window and doors with 30STC would normally meet the indoor requirements.
- Buildings along Ashburn Village Boulevard will be impacted by noise levels above 66 dBA Leq. A mitigated noise analysis shall be performed to verify sound levels at these buildings but windows and doors with a 30STC rating would normally meet the indoor noise requirement.
- Once architectural floor plans become available, a Building Shell Analysis shall be performed to determine accurate modifications necessary for building materials to maintain recommended interior noise levels.
- This traffic noise analysis shall be reevaluated upon finalization of grading, building locations, and outdoor area locations to ensure compliance with Loudoun County noise policy.

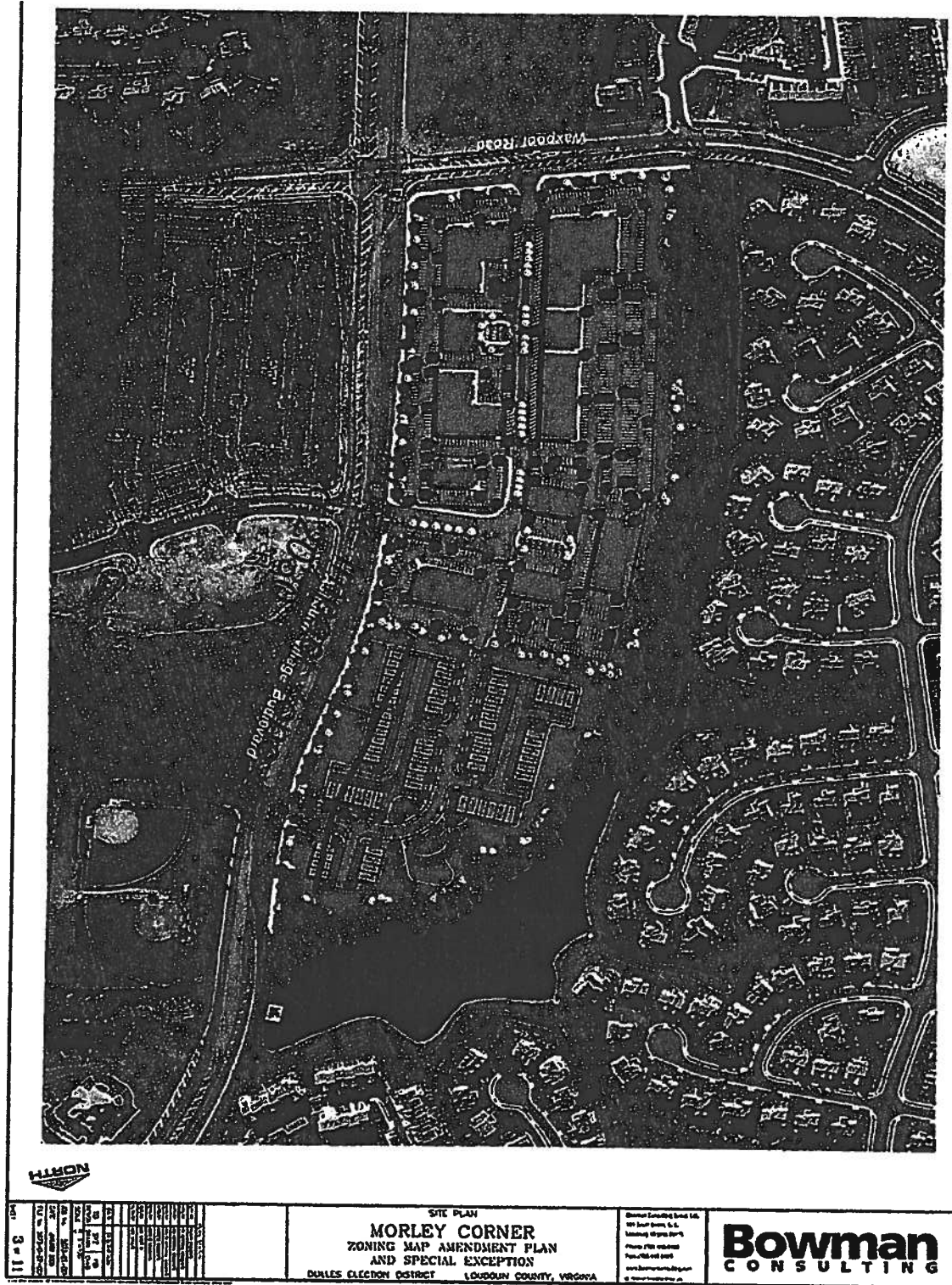


Figure 1: Site Plan

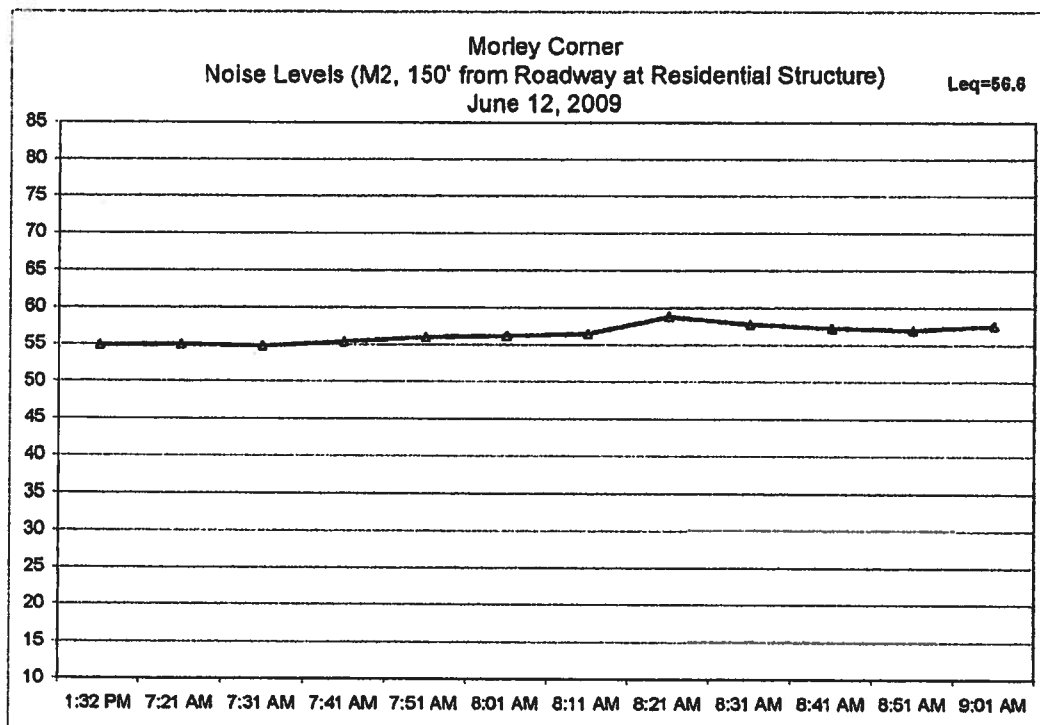
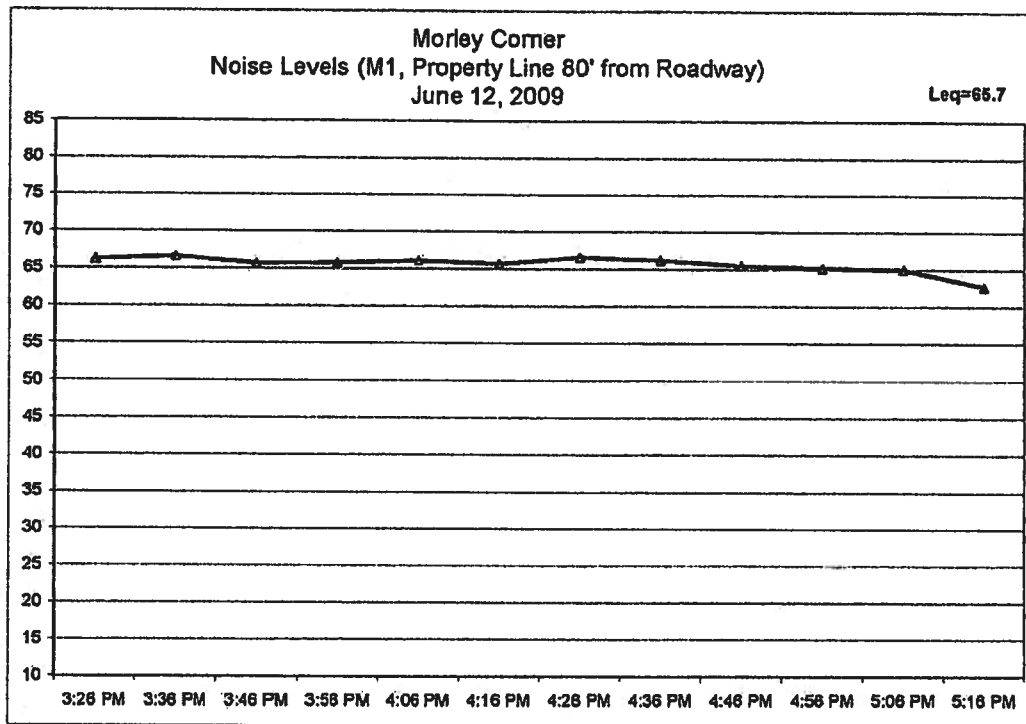


Figure 2 and 3: Noise Survey Measurements

DEFINITION OF ENVIRONMENTAL NOISE TERMS

- * Acoustics - the science of sound
- * Ambient Noise - a composite of all background noises
- * A-weighted Sound Level (dBA) - the sound level in decibels using a frequency filter similar to human hearing
- * Decibel (dB) - a logarithmic scale of sound level
- * Diffraction - the change in direction of a sound wave around an object
- * Direct Sound - sound that is emitted from the noise source, not including any reflected sound
- * Level Day-Night (L_{dn}) - the energy equivalent A-weighted continuous sound level compared to a 24-hour varying noise level, with a 10 dBA penalty added to nighttime noise levels between 10 p.m. and 7 a.m.
- * L_{eq} - The average of the sound pressure levels (dBA) measured during some specified time period. In this case, the standard is 10-minutes.
- * L_{max} - The maximum sound pressure level measured during some given time period.
- * L_{min} - The minimum sound pressure level measured during some given time period.
- * L_{90} - The noise level exceeded 90% of the time period measured. Generally considered the ambient or background noise level of a location.
- * Masking - covering one sound with another sound

- * Noise - unwanted sound
- * Reflected Sound - sound that has been bounced off of sound-reflecting surfaces

DEFINITION OF ENVIRONMENTAL NOISE TERMS (CONT'D)

- * Sound Pressure Level (SPL) or (L_p) - the average (RMS) pressure level of sound waves at a particular point equal to 20 times the log of the measured RMS pressure divided by the reference pressure which is 20 micropascals

$$SPL = 20 \log \frac{SPL}{SPL \text{ (reference)}}$$

- * Sound Transmission Class (STC) - a rating system for noise insulation performance of a partition
- * Vibration - the oscillation of a medium or an object



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**WALSH COLUCCI
LUBELEY EMRICH
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January 7, 2010

Via Hand Delivery

Ms. Ginny Rowen
Loudoun County Department of Planning
One Harrison Street, S.E., Third Floor
Leesburg, VA 20177

**Re: Addendum to December 15, 2009 First Referral Response Letter
ZMAP 2009-0006 & SPEX 2009-0026, Morley Corner-Temple Baptist Church
and School**

Dear Ms. Rowen:

On behalf of **Temple Baptist Church** (the "Church" or "Applicant"), I am providing this letter as a written response to the December 22, 2009 referral comments from the Office of Transportation Services ("OTS") in regards to the above-referenced applications. For your convenience, each OTS comment is stated below and the Applicant's responses follow in bold.

1. Regarding the Applicant's July 29, 2009 traffic study:

- a. Please clarify whether the applicant is proposing a 140,000 square-foot two-story church/school building with 1,450 seats as stated in the Statement of Justification or a 160,000 square-foot two-story church/school building with 1,450 seats as shown in the traffic study.

Applicant Response: The Applicant is proposing a 140,000 sq. ft. two-story church/school building with 1,450 seats in the main auditorium, as stated in the Statement of Justification, as well as a 20,000 sq. ft. "ministries building," which will accommodate 150 congregants in the main auditorium. The 20,000 sq. ft. ministries building was incorporated into the trip generation for the traffic study.

- b. Provide detailed information on the type of retail/general business planned for the 22,500 square-foot business/retail area. Clarify the reason for using ITE code 814 (Specialty Retail Center) vs. ITE code 820 (Shopping Center) to estimate the trips generated. Please indicate if the applicant is proposing an automated carwash in this

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area. If so, please use ITE code 948 (Automated Car Wash) to calculate the AM and PM peak hour volumes.

Applicant Response: “Specialty Retail Center,” as defined in the ITE trip generation manual is “...generally small strip shopping centers that contain a variety of retail shops.” The average size listed in the ITE manual for this use is approximately 25,000 sq. ft. The retail component proposed on the site is similarly sized at 22,500 sq. ft. and matches the definition listed in the ITE manual. ITE Code 820 (“Shopping Center”) was not used, since the average size for a Shopping Center listed in the ITE manual is approximately 328,000 sq. ft. The definition of the Shopping Center in the ITE manual is “...an integrated group of commercial establishments that is planned, developed, owned and managed as a unit.” The retail component proposed on the site is a small supporting retail use that more appropriately fits the definition of “Specialty Retail Center.”

- c. Clarify the reason for using a 15% pass-by allowance reduction. The VDOT pre-scope of work meeting form (base assumptions) shows no internal allowance reduction and no pass-by allowance reduction (page 2 of 8).

Applicant Response: Although the proposed retail component was a new land use introduced/added after the scoping meeting, it is not the primary use for the site, but rather a supporting use. The previously-approved Morley Corner application would permit the construction of up to 156,000 sq. ft. of retail uses on the Subject Property. This application only seeks the construction of 22,500 sq. ft. of retail uses and, therefore, the size of the retail component is relatively minimal in relation to the approved retail use for the site and generates significantly fewer trips. Following the Chapter 527 guidelines and using references from other projects in the area, a 15 percent pass-by reduction is allowed for specialty retail uses and was therefore included in the analysis.

- d. Explain the reason why the applicant is not including traffic volumes generated by the child care facility (before and after school programs). According to the information provided, the child care facility will accommodate approximately 150-200 students.

Please indicate whether the applicant is assuming the 150-200 students are included within the estimated 500 students that will be attending the "Private School (K-12)" (ITE code 536). OTS staff notes that a child care use typically has different hours of operation than a school use, which may have a greater impact on traffic during peak hours. Also indicate whether the child care facility would be open to the general public.

Applicant Response: The proposed before- and after-school child care will only be open to Temple Baptist School students, grade K3 (Kindergarten students

aged 3, 4, and 5) through grade 12 and will operate prior to school starting at 6:00 a.m. and after school until 7:00 p.m. The 150 to 200 students are included within the estimated 500 students that will be attending the private school. As presented in the trip generation table, the “peak hour of adjacent street traffic” rates were used. The trips generated by the 500 students during the peak hours were evaluated and analyzed in combination with the peak hour of commuter traffic. Hence, the traffic study evaluated the “worst-case” scenario.

- e. Please clarify the use of the 20,000 square-foot church ministry building. According to the information provided, it will be accommodating 150 congregants but it is not been included in the traffic study as a trip generator.

Applicant Response: As indicated in the Statement of Justification, the proposed 20,000 sq. ft. ministries building will be used for various church ministries, as well as a youth center and athletic field maintenance/storage facility. The building will include a 1,520 sq. ft. main auditorium with seating for 150 congregants, a youth fellowship hall, Sunday School classrooms, and a church vehicle maintenance facility. As stated above, the 20,000 sq. ft. ministries building was incorporated into the trip generation for the traffic study.

- f. There are 10.4 acres of active and passive recreation space, which will accommodate baseball/softball, t-ball, soccer fields and tennis courts. Please clarify if these fields will be open to the general public, whether games are going to be scheduled after school (please provide approximate times/schedule). This use has not been included in the trip generation part of the study.

Applicant Response: The proposed recreational fields are not contemplated to be open to the general public. While the precise schedule for use of the recreational fields after school has not been determined, the draft proffers restrict the daily hours of operation for the recreational facility lights to no later than 9:30 p.m. [see proposed Proffer IV.D].

- g. The 1,458 daily total trips calculated for the 160,000 square-foot church match with staff's calculations, but the peak hour volumes do not. The study shows 90 trips in the AM peak hour and 88 in the PM peak hour, while using the ITE code staff calculates 115 and 106, respectively. Same calculations disparities exist with the private school peak hour trips shown in the study. Please clarify/specify the ITE formula/table/page used by the consultant.

Applicant Response: The Applicant respectfully disagrees. ITE's Trip Generation, 8th Edition: An ITE Informational Report, was used as discussed at the scoping meeting. The trip generation calculations from this latest version were cross-checked and were found to be accurate. However, it is noted that

staff's AM and PM peak hour calculations (115 and 106 trips, respectively) presented in the referral appear to be based on the 7th Edition of the trip generation manual. Hence, a discrepancy was observed by the staff in the trip generation numbers. The relevant pages from ITE's Trip Generation Manual 8th Edition are enclosed for staff's review.

2. Pending confirmation of trip generation information and impacts as noted in Comment # 1 above, OTS expects at a minimum the applicant to provide the improvements committed to in the previously approved Morley Corner (ZMAP 2006-0003) proffers. To this end, OTS notes the following:
 - a. The Statement of Justification (page 7 of 16) states that "The proffers for the Morley Corner [previous ZMAP approved] will be constructed by the developer of the residential component by agreement between the Church and the residential developer" but the Level Of Service (LOS) in this area is failing under current circumstances, therefore Ashburn Village Boulevard needs to be open to traffic as a 4-lane median divided facility prior to issuing any zoning permit for this application.

Applicant Response: The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning. Specifically, Proffers V.A.1 and V.A.2 of the proffers associated with the Morley Corner application provides for dedication and construction/bonding of two lanes of an interim four lane divided road section of Ashburn Village Boulevard across the frontage of the Subject Property, in addition to right turn lanes and left turn lanes for the two full-movement entrances to the Property prior to, or in conjunction with, first record plat/site plan approval (whichever occurs first). These proffers are being carried forward with this application [see proposed Proffer V.A]. Given the reduced trip generation over the previously-approved Morley Corner application, and considering that the Applicant's first phase will include only the Phase 1 Church Building (located in the recreational field area) and recreational facilities, continuing the current proffer is sufficient.

- b. Applicant needs to provide the proffered cash contribution for Waxpool Road Expansion. According to the latest available quote (January 15, 2009) for the Waxpool Road Expansion project, managed by VDOT and Loudoun County, the estimated fair share cash contribution for the applicant is \$386,400. The estimated completion for the project is in the Fall of 2010.

Applicant Response: The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning, even though peak hour traffic is reduced. Specifically, Proffers V.B.1 and V.B.2 of the proffers associated with the Morley Corner application provides for the dedication of right-of-way and the construction of two lanes of a four lane divided road section of Waxpool Road across the frontage of the Property, in

addition to a right turn lane entrance into the Property [see draft Proffer V.B]. In the event that some of the proffered transportation improvements under the Morley Corner proffers are constructed by others, Proffer V.G of the Morley Corner Proffer Statement provides for a monetary contribution to Loudoun County in an amount equivalent to the verified cost of said paid improvements. This proffer is being continued in the current application under proposed Proffer V.F. Any monetary amount verified under Proffer V.B.1 and V.B.2 will be provided to Loudoun County prior to, or in conjunction with first record plat/site plan approval, whichever occurs first.

Please note that the draft proffers specify that any proffered improvements constructed by the developers of the R-16 zoned portion of the original Morley Corner rezoning is not considered to be construction “by others” requiring an equivalent cash contribution. The Morley Corner transportation proffers are being carried forward in this application in conjunction with the developer of the R-16 zoned portion of the original Morley Corner rezoning, which is not a part of this application. The Applicant sold the R-16 zoned portion of the property to a developer and executed a “Proffer Allocation Agreement” which assigns responsibility for implementation of the previously-approved Morley Corner proffers, including provisions that the developer perform the transportation proffers for the entire Morley Corner property. That proffer allocation agreement has been previously submitted to the County.

- c. Applicant is responsible for 25% of the cost to install the traffic signal at the intersection of Ashburn Village Boulevard (Route 772) and Waxpool Road (Route 625). The estimated fair share for actual engineering cost and installation cost is \$57,875, which is 25% of the total cost of \$231,500.

Applicant Response: Funding in the amount of \$50,000 towards a traffic signal at the intersection of Ashburn Village Boulevard and Waxpool Road is provided by Proffer V.D of the proffers associated with the Morley Corner application. Additionally, Proffer XI provides for an additional contribution based upon the CPI Escalator, and, accordingly, the Applicant’s contribution will be \$50,000 plus the CPI escalation to be paid in conjunction with the approval of the first record plat or first site plan for development of the Property, whichever occurs first.

- d. Applicant was proffered to provide a full warrant analysis and 50% cash contribution for the installation of the traffic signal at the intersection of Ashburn Village Boulevard (Route 772) and Red Rum Drive.

Applicant Response: Comment acknowledged. Proffer V.E of the proffers associated with the Morley Corner application provides for the funding of a traffic signal warrant analysis and, if warranted, a contribution of 50 percent of

the installation of such signal at Ashburn Village Boulevard and Red Rum Drive. This proffer is being carried forward with this application [see draft Proffer V.D].

3. The owner of parcel 087177312 (parcel to the north) will need to comply with the following proffers approved with ZMAP 2006-0003: (1) a full traffic signal warrant study for the intersection of Ashburn Village Boulevard (Route 772) and the northern most entrance; and (2) a \$100,000 cash contribution including ped-activation; and a transit cash contribution.

Applicant Response: The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning, even though peak hour traffic is reduced. The Applicant, along with the owner of MCPI #087-17-7312, has executed a "Proffer Allocation Agreement" which assigns responsibility for implementation of the previously-approved Morley Corner proffers.

4. According to the 2001 Revised CTP, a minimum 60-foot right-of-way is required from the centerline to the property line along Waxpool Road (Route 625). A review of County records indicates the segment of Waxpool Road (Route 625) in front of the site is within a 90- 95-foot right-of-way. The applicant needs to dedicate the 60-foot right-of-way from the centerline to the property line. Please remove the label "if required" from the plat.

Applicant Response: Pages A1-18 and A1-19 of the Countywide Transportation Plan call for the ultimate segment of Waxpool Road between the "Dulles North Area/Route 640 (Farmwell Road) & Old Route 607 (Smith Switch Road) intersection west through Village of Ryan to Route 659" to be a four-lane controlled access median-divided urban collector with a 90-foot right-of-way. The Applicant inaccurately stated this on page 30 of the December 15, 2009 referral response letter. The Applicant will agree to provide the necessary right-of-way required per the approved construction plans for Waxpool Road.

5. If additional right-of-way is necessary for the future right turn lane along Waxpool Road (Route 625), the applicant needs to dedicate it as well.

Applicant Response: Comment acknowledged.

6. Please add the "private street" cross section to the plat including the parking area.

Applicant Response: The label has been revised to show a proposed "Major Site Accessway" per the FSM section 4.400 B.6.b. A typical section has been added to Sheet 4 of the plan set.

7. Clarify if the main access street will be a private road. If so, please remove "ROW varies" from the plat. Private roads require easement dedications. Public roads require right-of-way dedications.

Applicant Response: The "Private Access Road" will be a private street. The plat set has been revised as recommended. Reference to right-of-way on this private street has been removed from the plan set.

8. It appears there has been a boundary adjustment (BLAD) application submitted to the County related to this application. Please include the application number to the cover sheet.

Applicant Response: BLAD-2009-0036 has been approved and recorded. The plat set has been updated to reflect the new boundary line.

9. The plat shows a portion of the subject property on the east side of Ashburn Village Boulevard. Has the applicant considered transferring ownership for this area to KMRP/Ashburn LLC (owner) to simplify future maintenance issues?

Applicant Response: The Applicant is responsible for maintenance of the 0.3-acre residual parcel of land at the northeast corner of the Ashburn Village Boulevard/Waxpool Road intersection unless the County or VDOT desires all or a portion for right-of-way purposes. The Applicant is willing to dedicate this land to the County or VDOT.

10. Regarding Bicycle and Pedestrian Facilities:

- a. According to 2003 Bike & Ped Plan, Waxpool Road is proposed as a baseline connecting roadway for bicycle and pedestrian facilities. Staff understands the trail in front of this site is not being built with the County's Waxpool Road Expansion project within the right-of-way.

Please show the 10-foot trail within a 14-foot public access easement along Waxpool Road (Route 625) as recommended by the 2003 Bike & Ped Plan (Design Toolkit). The applicant should build the trail to be consistent with the approved ZMAP 2006-0003 and ensure it is connected to the trail VDOT will be building up to the site's western property line.

Applicant Response: The Applicant is continuing Proffer IV.B of the Morley Corner Proffer Statement, which provides for a 10-foot wide asphalt trail located within a 14-foot wide public access easement along the Waxpool Road and Ashburn Village Boulevard frontages for the Subject Property [see draft

Proffer IV.B]. Please note that the proposed multi-use trail is located outside of the right-of-way.

- b. Please modify plan views and typical sections to incorporate the multi-use asphalt trails along Waxpool Road (Route 625) and Ashburn Village Boulevard (Route 772). The applicant may obtain the necessary information from CPAP 1998-0101 and VDOT project # 0625-053-P10.

Applicant Response: Multi-use trails have been added to the appropriate typical street sections as requested. Please note that the proposed multi-use trail is located outside of the right-of-way.

- c. Please show all sidewalks, curb ramps, crosswalks and trails on the special exception plat (sheet 6 of 6) and label them accordingly.

Applicant Response: A note has been added to the special exception plat (Sheet 6) stating that curb ramps will be shown on the site plan application for the property in accordance with FSM & ADA requirements. Proposed crosswalks have also been added to this sheet. Proposed sidewalks and trails are shown on this sheet although the applicant reserves the right to provide additional sidewalks and trials as needed.

- d. Please show all curb ramps on all corners where sidewalks/trails are proposed.

Applicant Response: Please see response to Comment 10.c above.

As the Applicant recently tendered 15 full-size copies of the updated plat set in conjunction with its December 15, 2009 referral response letter, the Applicant is providing one electronic copy of the plat set as well as five 11 X 17 copies, all of which incorporate OTS staff's suggested revisions.

Very truly yours,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.



Andrew A. Painter

Enclosures, as stated

cc: Dr. David L. Pittman, Senior Pastor, Temple Baptist Church
Mr. Larry D. Wright, Visitation Pastor, Temple Baptist Church
Mr. Benjamin Rose, Bowman Consulting
Mr. Tushar Awar, Gorove/Slade and Associates
Mr. J. Randall Minchew, Esq., WCLEW
Ms. Christine E. Gleckner, AICP, WCLEW



**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

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December 15, 2009

Via Hand Delivery

Ms. Ginny Rowen
Loudoun County Department of Planning
One Harrison Street, S.E., Third Floor
Leesburg, VA 20177

**Re: First Referral Responses; ZMAP 2009-0006 & SPEX 2009-0026: Morley
Corner – Temple Baptist Church and School**

Dear Ms. Rowen:

On behalf of **Temple Baptist Church** (the “Church” or “Applicant”), I am providing this letter as a written response to the referral agency comments in the above-referenced applications. For your convenience, each of the Staff comments are stated below and the Applicant's responses follow in bold.

I would be remiss if I did not mention that the previously-approved Morley Corner (ZMAP 2006-0003 and SPEX 2007-0004, and hereinafter, referred to as the “Morley Corner application”)—which included a far more intense land use plan in terms of approved office and retail square feet as well as trip generation—featured significant transportation and amenity proffers that came following negotiations between County staff and the then-applicant, Keane Enterprises, Inc.

Over the past five years, this Applicant has unsuccessfully sought the purchase of reasonably-priced, viable Loudoun County property on which to locate its expanded church and school. Regrettably, the high price of land combined with buyers willing to outspend the Applicant has effectively “priced out” the Church from locating in Loudoun County. While the Applicant purchased the Morley Corner property earlier this year, it has since sold the 11.03-acre R-16 zoned portion of the former 31.9-acre Morley Corner site to Lansdowne Development Group in exchange for the proffer allocation agreement in order to assist the Applicant in paying for proffer obligations that have already been agreed to by the previous owner. Similarly, the Applicant has been compelled to find purchasers for the 1.74-acre retail component to assist in the construction costs of the proposed church buildings and recreational fields. The Applicant respectfully asks Staff's acknowledgement and understanding of what has been a lengthy purchase process and a series of financially difficult decisions, and is hopeful that the Subject Property will offer a fresh start for a new home in Loudoun County.

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ATTORNEYS AT LAW

A-118

LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING
(SARAH MILIN, 11/6/2009)

1. The proposal is not consistent with the intent, recommended land use mix, and economic strategy envisioned by the Revised General Plan for Keynote Employment land uses. In this case, the previously-approved development on the site (ZMAP 2006-0003 & SPEX 2007-0004, Morley Corner), which committed to a minimum of 104,000 square feet of office uses, appears to be more consistent with the property's land use designation than the current application.

Applicant Response: The Applicant respectfully disagrees with the recommendation that the proposed uses are not in compliance with the Revised General Plan and submits that the proposed church with accessory school, accessory before- and after-school child care, and accessory recreational facilities as well as the proposed retail site provides an innovative land use mix that is complementary to the surrounding predominantly residential community and in accord with the Keynote policies of the Revised General Plan.

While the Applicant understands that the Revised General Plan calls for civic uses to remain ancillary to the predominant office uses of the Keynote Corridor, it seems appropriate to view the proposed uses and Subject Property in the context of the larger Keynote Corridor rather than on an individual site basis. When viewed from a broader perspective, the proposed church, school, and child care uses are a component of the significantly larger Keynote Corridor. The Keynote land use mix envisions the implementation of civic uses and provides for a “no maximum” component. The school and after school uses are specifically included in the definition of civic uses within the Revised General Plan (RGP, p. G-2). In adopting the Revised 1993 Loudoun County Zoning Ordinance (hereinafter, “1993 Zoning Ordinance”), the Board of Supervisors crafted the PD-OP zoning district as its preferred zoning district through which to implement Keynote Employment uses. The proposed church, accessory school, accessory before- and after-school child care, and accessory recreational facilities are contemplated within the PD-OP zoning district.

Specifically concerning the proposed retail uses, the Subject Property received approval under the Morley Corner application to permit up to 260,000 s.f. of retail and office uses; this application reduces the total retail component to 22,500 s.f., which reflects the reduced need for support retail services for the proposed land uses and which is more compatible as a transitional use with the Residential policy area adjacent to the Subject Property on the west. The reduced retail area also acknowledges the significant regional retail center, the Shoppes at Ryan Park, located just to the south. The proposed PD-CC-NC retail component will be community-oriented and support the surrounding

residential communities, church users, and office/industrial uses located within walking distance across Ashburn Village Boulevard.

It is also appropriate to consider the Subject Property's location within the Keynote Corridor. Unlike the major transportation corridors of Loudoun County typically considered the premier office locations (i.e., Route 7, Route 28, Dulles Greenway, etc.), the Subject Property is located at the western edge of the Keynote policy area, adjacent to the Residential policy area. Additionally, the Subject Property is served by a major collector road (Ashburn Village Parkway), rather than an arterial roadway. The proposed uses provide a definitive transition from the surrounding residential uses to the north, south, and west and the office/industrial uses to the east and will offer civic support services to Keynote employees and surrounding residents.

Given the reduced footprint of the proposed buildings over the previously-approved Morley Corner application, as well as considering the addition of significant active recreation space and reduced traffic generation during peak hours, the proposed uses are more compatible with the neighboring residential uses than the previously-approved retail and office uses permitted under the Morley Corner application and will lead to greater balance within the community. Additionally, it is envisioned that the proposed church will employ approximately 50 employees. Further, the Applicant is in full agreement with staff's recommendation that future development on the site should be consistent with the high quality designs presented by the Applicant. In providing a high visual quality with the two-story massing of the stone and brick main church building, the building quality is compatible with other Keynote structures and more compatible is scale and siting with the surrounding residential communities.

2. If this application moves forward, staff recommends that the following comments be considered. In addition, staff requests additional information regarding the proposed child care center, particularly whether it will be limited to providing before/after school care for students in grades K – 12 attending the proposed private school. A market statement and/or analysis for the proposed retail use(s) should also be provided.

Applicant Response: The proposed before- and after-school child care will only be open to Temple Baptist School students, grade K3 (Kindergarten students aged 3, 4, and 5) through grade 12 and, similar to the Temple Baptist School hours, will operate between 6:00 a.m. and 7:00 p.m. Concerning staff's request for a market statement and/or analysis for the proposed retail component, the previously-approved Morley Corner application would permit the construction of up to 156,000 s.f. of retail uses on the Subject Property. This application only seeks the construction of 22,500 s.f. of retail uses. Given the significant

reduction in permitted retail uses on the Subject Property, and considering that the previous Morley Corner application was approved to permit a far greater amount of retail uses, the Applicant feels that conducting a market study is unwarranted for this proposal.

3. Staff recommends that the project protect the site's stream corridor by depicting the full 50-foot management buffer on the Concept Plan and appropriate sheets as envisioned by the Plan, and committing to develop the stream corridor only with uses permitted by Plan policy.

Applicant Response: Consistent with Proffer VI.B of the previously-approved Morley Corner application, the Applicant is maintaining the proffered 25-foot riparian buffer and installing 175 trees per acre within the buffer area [see proposed Proffer VI.B]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, the extensive open space areas on the proposed concept plan are located adjacent to the stream corridor, and provide additional water quality measures than provided under the approved plan, which locates structures and parking in the proposed open space areas. These commitments, along with the proposed tree plantings, will provide a filtration area that helps ensure high water quality and the integrity of stream resources.

4. Staff recommends that the project protect the site's stream corridor by designating the 50-foot management buffer as a Tree Conservation Area (TCA), with appropriate commitments regarding its long-term preservation, protection and management of the stream, consistent with the Revised General Plan, Chapter 5, Forest, Tree and Vegetation Policy 3

Applicant Response: The Applicant is maintaining proffer VI.B of the Morley Corner Proffer Statement, which addresses the riparian buffer area [see proposed Proffer VI.B]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, extensive open space areas on the proposed concept plan are located adjacent to the stream corridor, and provide additional water quality

measures than provided under the approved plan, which locates structures and parking in the proposed open space areas. The Applicant will consider LID measures for the site including grassed swales, bio-retention and vegetative filter strips.

5. Staff recommends that the project protect the site's stream corridor by preserving existing vegetation that corresponds to proposed open space areas adjacent to the 50-foot management buffer.

Applicant Response: As stated above, the Applicant is maintaining proffer VI.B of the Morley Corner Proffer Statement, which addresses the riparian buffer area [see proposed Proffer VI.B]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, extensive open space areas on the proposed concept plan are located adjacent to the stream corridor, and provide additional water quality measures than provided under the approved plan, which locates structures and parking in the proposed open space areas. The Applicant will consider LID measures for the site including grassed swales, bio-retention and vegetative filter strips.

6. Staff recommends that the project protect the site's stream corridor by committing to a minimum density within TCAs of 300 trees per acre

Applicant Response: The Applicant is maintaining the commitment to the installation of 175 trees per acre, consistent with Proffer VI.B of the previously-approved Morley Corner application [see proposed Proffer VI.B].

7. Staff also requests confirmation that all of the site's potential specimen trees are to be located within proposed TCAs by depicting them on the plan set.

Applicant Response: All specimen trees identified in the Tree Conservation Area are either located in the Applicant's proposed riparian buffer area or in the R-16 portion of the property of the former Morley Corner rezoning.

8. Staff recommends the Applicant provide a commitment that special performance standards, including best management practices, will be used to mitigate development on moderately steep slopes, consistent with Plan policies (Revised General Plan, Chapter 5,

Steep Slopes and Moderately Steep Slopes, Policy 3).

Applicant Response: As shown on the Conceptual Development Plan, the development limits of this application will not have any impact on moderately steep slopes.

9. Staff recommends that the proposal commit to appropriate onsite water quality measures, including LID strategies and practices such as bioretention areas near stormwater inlets, that will help protect and restore water quality in the adjacent tributary. To assist in this discussion, information should be provided regarding whether the proposed outdoor recreational fields will be constructed of synthetic turf or grass that will need to be maintained with fertilizers, pesticides and insecticides.

Applicant Response: The proposed outdoor recreational fields will be constructed of grass, and the Applicant has added a proffer minimizing the use of fertilizers, pesticides, and insecticides, and practices for field irrigation [see proposed Proffer VI.I]. The Applicant is maintaining Proffer VI.F of the Morley Corner proffers, which addresses LID measures that may be used in the context of providing stormwater management for the entire Morley Corner property [see proposed Proffer VI.E]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, the extensive open space areas on the proposed concept plan is located adjacent to the stream corridor, and provides additional water quality measures than provided under the approved plan, which locates structures and parking in the proposed open space areas. The Applicant will consider LID measures for the site including grassed swales, bio-retention and vegetative filter strips.

- 10: Staff further recommends that the Applicant explore opportunities for shared parking in order to reduce impervious surfaces and associated stormwater runoff.

Applicant Response: The Applicant appreciates staff's support for a shared parking arrangement for the Subject Property. Given that the proposed church's traditional Sunday parking demands and the typical weekday parking demands for the proposed school differ between uses and are appropriate for combining parking facilities and reducing impervious surfaces, shared parking is already planned to be utilized for the two principle uses of the Subject Property. Since the proposed building is to be constructed in phases and since

the parking lot will incrementally expand concurrently with the phased construction program, and since it is difficult to ascertain the parking patterns demanded by the proposed uses, a shared parking arrangement is not proposed at this time, but will be reviewed prior to Phase IV (the construction of the balcony in the main auditorium). At such time, the Applicant will explore the feasibility of shared parking and request an administrative reduction under Section 5-1102(F) of the 1993 Zoning Ordinance.

Notably, this application already results in a significant decrease in the amount of impervious surface on the Subject Properties than that approved with the Morley Corner application without the use of an administrative shared parking reduction. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property) whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Moreover, the proposed church and school uses will make use of the same parking spaces.

11. Staff recommends that the application commit to the use of lighting that is the minimum necessary to illuminate the proposed athletic fields and specifically chosen or designed to reduce off-site glare and reflection. Appropriate conditions could include the use of a specific type of lighting, the maximum height of poles, and hours of operation. Similar commitments should also be provided for the parking areas if they are to be lit.

Applicant Response: Lighting will comply with the County's lighting requirements and with Proffer VI.D of the Morley Corner Proffer Statement [see proposed Proffer VI.C]. These requirements will be applied with the intent of precluding light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. Any lighting shall be directed downward toward the interior of the Subject Property and shall be shielded in order to prevent lighting from spilling over to adjoining properties. Additionally, the Applicant's proposed management buffer, including the preservation of mature trees along the western side of the Subject Property and planting of new trees will also contribute to the reduction in glare onto adjacent properties.

The draft proffers restrict the daily hours of operation for the recreational facility lights to no later than 9:30 p.m. with a maximum height of 40 feet for the basketball courts and 70 feet for the soccer and softball fields. The hours of operation for the parking lot lighting will be 5:00 a.m. until midnight., with lights turned off during daylight hours. Additional building-mounted minimum security lighting also may be installed.

12. Staff recommends that the application address protection of proposed recreational uses (athletic fields, courts and pavilion) from noise generated by Ashburn Village Boulevard and Waxpool Road. The Countywide Transportation Plan (CTP) calls for the portion of Ashburn Village Boulevard that fronts the subject property to be a six-lane divided section with bicycle accommodations in a 120 foot right of way, with additional land dedication for turn lanes. Waxpool Road is also planned as a six-lane divided roadway with bicycle accommodations in a 90 foot right of way, with turn lanes required at all intersections. Noise abatement measures, such as earthen berms, wooden fences, greater setbacks and the retention of existing vegetation or enhanced landscaping, should be considered if noise levels approach or exceed 67 decibels (dBA) for recreation and active sports areas.

Applicant Response: Lansdowne Development Group, owner of the R-16 zoned portion of the Morley Corner rezoning, recently commissioned a noise attenuation study by Polysonics Corporation, pursuant to Proffer VI.E of the Morley Corner Proffer Statement, which found peak hour traffic noise impact from Ashburn Village Boulevard to be 66 dBA in conformance with Revised General Plan noise policies. The proposed outdoor recreation uses on the Subject Property are located on the western edge of the Subject Property, separated from Ashburn Village Boulevard by a landscaped buffer, parking lot, and main church building. The outdoor recreation uses will be separated from Waxpool Road by a landscaped berm.

13. The application should also address noise generated from the recreation uses and impacts on adjacent residentially-owned and planned properties to the north and west, including possible commitments restricting the use of sound enhancement measures, such as a public address system, and whistles.

Applicant Response: No public address system or loudspeakers are proposed for the outdoor recreation uses. The Applicant is including in its proposed proffer statement a limit on the daily scheduling of the outdoor organized activities until 9:30 p.m. to minimize the noise impacts on adjacent properties. [see proposed Proffer VI.D]. Referee/umpire whistles associated with regulation of sporting events will need to be used during those times. Additionally, the Applicant's proposed management buffer, including the preservation of mature trees along the western side of the Subject Property and planting of new trees and the distance of approximately 200 feet between the outdoor recreational activities and the rear yards of Farmwell Hunt, will buffer the noise levels from the adjacent residential properties.

14. Staff recommends that the proposed parking spaces in front of the main church building be relocated to a location internal to the development, perhaps behind the building, so

that an enlarged, extensively landscaped front yard can be provided. Alternatively, if parking areas must be adjacent to roadways, they should be screened from view through the use of hedges, street trees, heavy landscaping, depressed parking areas, and/or earthen berms.

Applicant Response: In order to mitigate the visual impact of the parking areas, the Applicant's lay-out splits the parking areas to the north and south of the main church building rather than a single large parking field, and places only one row of parking on each side of the travelway between the main church building and Ashburn Village Parkway. To mitigate the visual impact of the parking lot, and as recommended by staff, the Applicant is providing a landscaping buffer to screen the cars, as shown on the concept plan.

15. In general, because the church is a larger-scale structure consistent with Keynote Employment uses, staff recommends that the required landscaped buffer be enhanced to complement the other Keynote Employment uses that exist or are developing in the Ashburn Community. The use of native plant and tree species is encouraged.

Applicant Response: Comment noted. The applicant will use native plant materials where feasible to minimize the need for watering.

16. The application should also provide appropriate commitments that the proposed development will exhibit the high quality, monumental building and site design characteristics with four-sided architecture that are envisioned for Keynote Employment areas and depicted in the application materials. Such commitments should be provided not only for the church-related buildings, but also the proposed retail uses.

Applicant Response: The Applicant is continuing the commitment that the proposed development will exhibit the high quality, monumental building and site design characteristics as depicted in the application materials with the design guidelines contained in Proffer VII.C of the Morley Corner Proffer Statement [see proposed Proffer VII.B]. These design guidelines apply to the PD-CC-NC portion of the Subject Property as well as the PD-OP zoned portion.

17. Lastly, staff recommends commitments that no drive-through retail uses will be allowed on site; that the parking requirements of the Zoning Ordinance will not be exceeded (Revised General Plan, Chapter 6, Suburban Parking Policy 1); and that mechanical equipment and dumpsters will be screened by a fence or wall of similar construction as the principle walls of the structure that the equipment serves.

Applicant Response: The Applicant is desirous of selling the retail site; therefore, the concept plan proposes all permitted PD-CC-NC uses pursuant to the requirements of that zoning district. The Applicant is constructing its parking lot in phases and will consider parking reductions and/or shared parking prior to Phase IV construction. The design guidelines contained in the Morley Corner Proffer Statement and maintained in the proposed proffers address the screening of the mechanical equipment and dumpsters.

18. Staff recommends that the application commit to enhanced pedestrian crosswalks that include raised crosswalks and/or changes in textures, patterns and colors to distinguish between pedestrian and vehicular movement. In particular, the crosswalk from the proposed main church building to the recreational uses in the western portion of the site should be designed for safety and convenience. A green space/landscaped buffer area should be provided between pedestrian and vehicular areas, including both roadways and parking lots.

Applicant Response: The concept plan depicts the pedestrian network for the proposed church, school, recreational fields, and retail uses. The proposed sidewalks will provide a pedestrian network that will offer safe, efficient connections between the church/school building, parking, play areas, and athletic fields. The Applicant will also provide a 10-foot wide shared use path along Ashburn Village Boulevard and Waxpool Road along the front of the Subject Property and will provide a landscape plan showing 2-inch caliper trees along the private drive between the main church building and the recreational fields to provide an enhanced green space/landscaped buffer area between pedestrian and vehicular areas. The Applicant will provide enhanced crosswalks through the use of stamped concrete to provide different texture treatment for pedestrian crossings. These crosswalks are shown on Sheet 4 of the concept plan.

19. To facilitate bicycle usage, staff recommends that the application commit to a sufficient number of bicycle racks that are scattered throughout the development.

Applicant Response: As contemplated in proposed Proffer IV.C, the Applicant will commit to the installation of two bicycle racks on the Subject Property, provided in Proffer IV.C of the proffers associated with the previously-

approved Morley Corner application.

20. Staff also recommends that the applicant continue the shared-use path along Waxpool Road to the applicant's western property line and eliminate the 65-foot off-site gap. Staff urges the applicant to coordinate with the Farmwell Hunt HOA regarding completion of the trail.

Applicant Response: The Applicant is continuing Proffer IV.B of the Morley Corner Proffer Statement, which provides a trail along the Waxpool Road and Ashburn Village Boulevard frontages for the Subject Property [see proposed Proffer IV.B]. Due to the length of these two frontages and the high cost of constructing the trail over a stream (including the potential need to construct a bridge), the Applicant cannot extend the trail off-site.

21. Staff does not support the proposed zoning ordinance modifications at this time. Staff recommends further discussion regarding the appropriate buffer width as well as the types of enhanced measures that should be committed to in order to offset the proposed reduction.

Applicant Response: The reduction of the perimeter buffer will ensure adequate space for loading, parking, and trash removal. In addition to the proposed 20-foot buffer on the PD-OP and PD-CC-NC side, there is a 50' landscaped buffer approved on the R-16 portion, providing an aggregate buffer of 70 feet. The Applicant is proposing the same modifications as approved for the Morley Corner rezoning (which staff supported). This application is a mixed-use project and the Applicant is seeking to integrate uses and encourage walkability; the proposed compact design encourages both goals between the two land bays. Further, the proposed uses more compatible with the adjacent residential (smaller scale retail, church and school), than the uses approved under the Morley Corner application. Additionally, the design guidelines contained in the Morley Corner Proffer Statement and maintained in proposed proffers address the screening of the mechanical equipment and dumpsters.

22. Community Planning staff cannot recommend approval of the Zoning Map Amendment and the Special Exception request due to inconsistencies with the intent, recommended land use mix, and economic strategy envisioned by the Revised General Plan for Keynote Employment land uses. If this application moves forward, staff has provided a number of comments and recommendations regarding existing conditions, site design, and pedestrian and bicycle access that should be considered and addressed, as outlined above.

Applicant Response: While the Applicant differs with the staff position regarding land use, the Applicant is providing enhancements to the approved Morley Corner rezoning when appropriate for the revised uses, as recommended by staff. Additionally, the Applicant is proposing to return the underlying zoning of the Subject Property to PD-OP.

LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ZONING ADMINISTRATION (TERESA MILLER, 11/9/2009)

II. Critical Issues

1. With the proposed development of the property, the application does not meet the purpose of the PD-OP zoning district as described in Section 4-301 as “*primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities...*”. The applicant may wish to select a more appropriate zoning district which would permit all the proposed uses. A suggested district would be R-16, as a portion of the Morley Corner rezoning is already within this zoning district.

Applicant Response: The Applicant respectfully disagrees with Staff that this application does not meet the purpose of the PD-OP zoning district and differs with Staff’s inference that the purpose of the PD-OP district exists *purely* for “...administrative, business and professional offices...” The Applicant can find no “bright line” outer limit in Section 4-301 of the 1993 Zoning Ordinance which constricts the purpose of the district to *only* administrative, business, and professional office uses. On the contrary, the Board of Supervisors, in adopting the PD-OP zoning district, included church and accessory school and child care uses as permitted and special exception uses precisely because they were deemed to be compatible with the district’s designation and furthered its purposes to provide institutional uses and “...accessory uses and facilities.” Presumably, uses which are incompatible with the stated purpose of the PD-OP zoning district and not in furtherance of its goals would not have been included in the PD-OP district’s use lists.

As concerns Staff’s suggestion that the Applicant seek R-16 as a more appropriate zoning district, the Applicant feels that PD-OP is the preferred zoning district for this application as it permits church uses by-right, and is the

preferred zoning district through which to implement the Keynote Employment designation. Retail uses are not contemplated under the R-16 zoning district.

2. The applicant has not demonstrated the school is accessory to the church. It appears the private school is a principal use, which is not permitted in the PD-OP zoning district. Note while Section 4-304(S) permits school, private, accessory to a church by special exception, the school must be accessory and open only to members of the church.

Applicant Response: Concerning the “accessory” nature of the proposed Temple Baptist School, the educational program is an integral aspect of the Church’s ministry and will be a private, Christian school identical to the existing Temple Baptist School at the church’s Herndon location. The school proposed for the Subject Property will be co-located within the main church building and not in a separate building. Temple Baptist School is wholly dependent on Temple Baptist Church for its existence: the school pays no rent, utilities, or maintenance, and student tuition covers only school employee salaries and benefits. Historically, most classroom equipment and furnishings (i.e., blackboards, science equipment, computers, and copiers, etc.) are provided by the church. The church will be established and operating as a church prior to or concurrent with the school’s opening. The school will only be in operation as long as the church is operating.

The Applicant respectfully disagrees with Staff’s contention that enrollment must be limited to members of the church. The Applicant is unaware of any limitation in the 1993 Zoning Ordinance or a Zoning Administrator’s interpretation which purports to limit school enrollment. While the student body is likely to predominantly consist of church attendees, enrollment will also be open to non-congregants who adhere to Temple Baptist School’s standards of conduct.

3. While the applicant is proposing a park use, the outdoor recreation areas as proposed are considered playing fields and courts, lighted. This use is not permitted in the PD-OP zoning district.

Applicant Response: The previously-proposed “Park” use has been relabeled “Accessory Recreational Facilities,” which are contemplated under the definition of “Church, synagogue, temple or mosque” under Article 8 of the 1993 Zoning Ordinance.

4. The phasing plan for the project as listed in the Statement of Justification conflicts with the phasing plan as listed within Note 21, Sheet 1 of the plan set. The accessory uses

such as the recreation areas may not be constructed until the principal use of the church has been established.

Applicant Response: The Applicant is proposing a revised phasing plan, and the Statement of Justification and the plan set have been updated accordingly. The Applicant plans to construct the proposed uses in four phases. Phase I will include the construction of the lighted recreational playing fields, tennis and basketball courts and the 2,400 s.f. "Phase I Church Building," which will host regular worship services as an interim facility until the larger main church building is constructed; Phase II will include construction of the majority of the main church/school building; Phase III will include the construction of the ministries building, as well as the addition of the Kindergarten space and playground as well as a 4,903 s.f. gymnasium expansion to the main church/school building; and Phase IV will include the addition of a 5,217 s.f. Fellowship Hall and main auditorium balcony to the main church/school building. Following Phase II, the "Phase I Church Building" will be used as both an outdoor chapel and a concession stand. Since the recreational areas will not be established prior to the church use, the recreation areas are properly characterized as accessory uses to the principal church use.

III. Responses to Section 6-1211(E) Zoning Map Amendments

1. Section 6-1211(E)(3) – *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.* Staff questions whether the size and scale of the proposed 140,000 square foot building is compatible with the surrounding uses, which are mostly residential.

Applicant Response: Primarily institutional in nature, the proposed uses serve as an appropriate transition between the residential development to the north, south, and west of the Subject Property. Moreover, they are more compatible with the predominantly residential nature of the surrounding properties than the previously approved Morley Corner application. The Subject Property received approval under the Morley Corner application to permit up to 260,000 s.f. of retail and office uses between 11 two-story structures with a floor area ratio ("FAR") of 0.29. This application significantly reduces the total combined building footprint to nearly half: 182,000 s.f. between three buildings with an FAR of 0.17 (well below the by-right permitted FAR of 0.6).

Additionally, church and school uses are compatible with residential districts since they are permitted, either by-right or by special exception, in most, if not all, residential zoning districts. Multiple churches exist harmoniously throughout the Ashburn community, and the Applicant is proposing an increased buffer than that previously committed to by the Morley Corner

application. This application proposes approximately 9.45 acres (or 45 percent) of the Subject Property to be used as open space, including the proposed management buffer. Further, the Applicant has sited its open space recreational fields west of the main church building and adjacent to the residential community to the west to provide a greater physical and visual separation between the main church building and the Farmwell Hunt community.

The proposed PD-CC-NC retail component will be community-oriented and serve the surrounding residential communities, church and school users, and office/industrial uses located within walking distance across Ashburn Village Boulevard. Further, in providing a high visual quality with the two-story massing of the stone and brick main church building, the building quality is more reflective of the traditional design of many of the homes in the surrounding residential communities. Given the reduced footprint of the proposed buildings over the previously-approved Morley Corner application, as well as considering the addition of significant active recreation space and reduced traffic levels during peak hours, which also reduces noise levels and reduced late-night traffic impacts, the proposed uses are more compatible with the neighboring residential uses than the previously-approved retail and office uses permitted under the Morley Corner application and will lead to greater balance within the community.

2. **Section 6-1211(E)(8) – *Whether reasonably viable economic use of the Subject Property exists under the current zoning.*** Staff believes a reasonably viable economic use of the property exists under the current zoning. The PD-CC-CC zoning district includes a large variety of permitted and special exceptions uses.

Applicant Response: The Applicant concurs with Staff's findings that the existing PD-CC-CC zoning designation provides a reasonably viable economic use of the Subject Property. However, since the approval of the Morley Corner rezoning in 2007, no bona fide offers or potential interest were made by others in purchasing the Subject Property.

Even assuming that a reasonably viable economic use exists on the Subject Property under the current zoning approvals, the Applicant's justification for seeking a rezoning is not due to the lack of a reasonably viable economic use. Rather, as stated above, the Church has been engaged in an exhaustive search for an appropriate site on which to locate an expanded church and educational ministry for more than five years. The Subject Property was one of the few meeting the church's criteria available for sale. Legislative actions in the form of a rezoning and special exception are necessary to permit the Applicant's proposed uses under the PD-OP and PD-CC-NC zoning districts.

3. Section 6-1211(E)(10) – *Whether the proposed rezoning encourage economic development activities in area designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.* This section questions if the proposed use enlarges the tax base. It is noted the church use is tax exempt.

Applicant Response: The proposed church and accessory private education uses will not directly enlarge the tax base; however, the proposed private school will provide education capacity that would otherwise be required to be met by the public school system. Loudoun County Public Schools' ("LCPS") per pupil spending for the 2008-2009 school year was \$12,780. The proposed 500-student private school (an estimated 90 percent of whom will be residents of Loudoun County) will provide a cost savings to Loudoun County of approximately \$5,751,000 per fiscal year, and LCPS will not need to incur new physical plants, classroom equipment, administrative personnel, or teacher salaries/benefits for these students. The proposed application will ease some of the pressure on public schools by providing educational alternatives. The proposed retail uses will provide employment and increased tax revenues for Loudoun County, while the proposed church and accessory school use will provide desirable employment by employing approximately 50 employees.

IV. Modifications

1. The applicant is proposing to modify Section 4-205(C)(2) which requires no building, parking, outdoor storage, areas for collection of refuse or loading area be permitted closer than 100 feet to a residential district. The applicant is proposing to reduce this 100-foot to 20 feet between the PD-CC-NC and the R-16. Staff does not support this reduction. Depending upon the use on the PD-CC-NC property, a Type 3 buffer could be required, which is a minimum of 25 feet. The applicant has proposed to plant a Type 3 buffer in lieu of a Type 2; however the width of the buffer is not sufficient to meet zoning ordinance requirements.

Applicant Response: The reduction of the perimeter buffer will ensure adequate space for loading, parking, and trash removal. In addition to the proposed 20-foot buffer on the PD-OP and PD-CC-NC side, there is a 50' landscaped buffer approved on the R-16 portion, providing an aggregate buffer of 70 feet. The Applicant is proposing the same modifications as approved for the Morley Corner rezoning (which staff supported). This application is a mixed-use project and the Applicant is seeking to integrate uses and encourage walkability; the proposed compact design encourages both goals between the two land bays. The proposed uses more compatible with the adjacent residential (smaller scale retail, church and school), than the uses approved under the Morley Corner application. Additionally, the design guidelines contained in the

Morley Corner Proffer Statement and maintained in the proposed proffers address the screening of the mechanical equipment and dumpsters.

2. The applicant is proposing to modify Section 4-305(B)(2) which requires no building, parking, outdoor storage, areas for collection of refuse or loading area be permitted closer than 100 feet to a residential district. The applicant is proposing to reduce this 100-foot to 20 feet between the PD-OP and the R-16. Staff does not support this reduction. As the R-16 portion of Morley Corner has not been established and Temple Baptist Church is an already established place of worship, the applicant has not demonstrated how the church is an integrated part of the community. The applicant has proposed to plant a Type 3 buffer in lieu of a Type 2; however the width of the buffer is not sufficient to meet zoning ordinance requirements. In addition, the applicant's justification for this modification includes the PD-CC-NC modification request. Please update the justification removing any reference to the PD-CC-NC.

Applicant Response: The reduction of the perimeter buffer will ensure adequate space for loading, parking, and trash removal. In addition to the proposed 20-foot buffer on the PD-OP and PD-CC-NC side, there is a 50' landscaped buffer approved on the R-16 portion, providing an aggregate buffer of 70 feet. The Applicant is proposing the same modifications as approved for the Morley Corner rezoning (which staff supported). This application is a mixed-use project and the Applicant is seeking to integrate uses and encourage walkability; the proposed compact design encourages both goals between the two land bays. Further, the proposed uses more compatible with the adjacent residential (smaller scale retail, church and school), than the uses approved under the Morley Corner application. Additionally, the design guidelines contained in the Morley Corner Proffer Statement and maintained in the proposed proffers address the screening of the mechanical equipment and dumpsters.

V. Other

1. BLAD-2009-0036 has been approved and recorded. The plat will need to be updated to reflect the new boundary line. The notes on Sheet 1 will need to be updated and the application added to the approved associated land development applications listed on Sheet 1.

Applicant Response: The concept plan has been revised as recommended.

2. The applicant is proposing to have the child care center per Section 4-303(Y) as a principal use listed in Note 3 of Sheet 1. Be advised the applicant will need to

demonstrate compliance with Section 5-609 at the time of site plan.

Applicant Response: Comment noted.

3. Staff requests to see proffers in conjunction with the second submission for this application. The property is currently subject to proffers associated with ZMAP-2006-0003, Morley Corner. Zoning staff questions how the applicant will address or incorporate these existing proffers with this new rezoning.

Applicant Response: A copy of the draft proffers is included with this letter for Staff's review.

**LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT –
ENVIRONMENTAL REVIEW (TODD TAYLOR, 11/5/2009)**

1. The plan set depicts a "25' Min. Riparian Buffer" adjacent to the minor floodplain, which is consistent with the planting commitment provided in Proffer VI.B for rezoning ZMAP-2006-0003. Staff, including the Urban Forester, inspected the existing vegetation along the floodplain corridor during a site visit on October 27, 2009. Staff found that the young vegetation (early succession) immediately east of the mature trees along the floodplain corridor is suitable for preservation and is preferred over vegetation removal and replanting. The existing trees are well established and obviously well suited to the subject property. The vegetation consists of Eastern red cedar with scattered hardwoods, including species such as red maple, red elm, green ash, persimmon, and willow oak. See attachments 1 and 2. Based on the site visit observations, staff recommends replacing the planting commitment with an expanded commitment to preserving existing vegetation. Staff recommends the following:

- Depict the full 50-foot management buffer on the plan set, as described in Revised General Plan (RGP) River and Stream Corridor Policy 2.

Applicant Response: Consistent with Proffer VI.B of the previously-approved Morley Corner application, the Applicant is maintaining the proffered 25-foot riparian buffer and installing 175 trees per acre within the buffer area [see proposed Proffer VI.B]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, extensive open space areas on the proposed concept plan are located adjacent to the stream corridor, and provide additional water quality measures than provided under the approved plan, which locates structures and

parking in the proposed open space areas. The Applicant will consider LID measures for the site including grassed swales, bio-retention and vegetative filter strips.

- Identify all existing non-invasive vegetation within the 50-foot management buffer and floodplain as tree conservation areas on the concept development plan.

Applicant Response: Consistent with Proffer VI.B of the previously-approved Morley Corner application, the Applicant is maintaining the proffered 25-foot riparian buffer and installing 175 trees per acre within the buffer area [see proposed Proffer VI.B]. The Applicant has designated this area as a Tree Conservation Area as shown on Sheets 3, 5 and 6 of the concept plan.

- Commit to a minimum density within the tree conservation areas of 300 trees per acre. The minimum density is already achieved for most areas of the target tree preservation. A couple small areas may need to be supplemented with vegetation to achieve uniform density. Staff encourages the applicant to transplant existing trees on the site to provide any necessary supplemental planting.

Applicant Response: The Applicant is committing to the installation of 175 trees per acre, consistent with Proffer VI.B of the previously-approved Morley Corner application [see proposed Proffer VI.B].

- Preserve existing vegetation that corresponds to open space adjacent to the 50-foot management buffer.

Applicant Response: The Applicant is maintaining the proffered 25-foot riparian buffer and installing 175 trees per acre within the buffer area [see proposed Proffer VI.B]. The areas adjacent to the 25-foot management buffer will be used as outdoor recreation areas for which the majority of the area will be maintained with a grass surface (unlike the approved Morley Corner Concept Plan, which permitted the building of structures or parking areas immediately adjacent to a 25-foot riparian buffer area).

- Employ a certified arborist or professional forester to develop a tree conservation and supplemental planting plan and supervise said recommendations.

Applicant Response: Proffer VI.A, Tree Conservation Area, of the Morley Corner rezoning is being continued with this rezoning, which incorporates this

recommendation [see proposed Proffer VI.A]. This area is shown on Sheets 3, 5, and 6 of the concept plan.

2. Proffer VI.F for ZMAP-2006-0003 requires low impact development (LID) measures to enhance water quality on the subject property, subject to engineering feasibility. Staff believes that onsite water quality measures are important with this project considering the receiving stormwater (SWM) pond was constructed without a sediment forebay, which is now a requirement for all new ponds. Sediment forebays help to isolate sediment deposition in an accessible area, which typically allow ponds to be maintained easier and with less expense. Staff requests that the applicant provide information regarding anticipated onsite water quality measures. Previous ERT comments for ZMAP-2006-0003, which remain applicable, recommended the use of bioretention near stormwater inlets and providing forebays at the principal stormwater outfalls to the pond. [Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO) Section 6-1211(E)(9)]

Applicant Response: Proffer VI.F, Storm Water Management, of the Morley Corner rezoning is being continued under this application [see proposed Proffer VI.E].

3. The plan set depicts athletic fields adjacent to the riparian corridor. Staff requests information regarding the turf type (grass or synthetic), required irrigation, and anticipated use of fertilizers and pesticides. [Revised 1993 LCZO Section 6-1211(E)(5) and (9)]

Applicant Response: Subject to Health Department approval, the proposed outdoor recreational fields will be constructed of grass and irrigated from an underground sprinkler system using groundwater from an underground well to be drilled on the Subject Property. The Applicant has added a proffer minimizing the use of fertilizers, pesticides, and insecticides to more organic materials.

4. The project layout results in a substantial amount of surface parking to accommodate the church, school, and commercial uses. To reduce impervious surfaces and associated stormwater runoff, loss of habitat, and harms to air and water quality, staff recommends that the applicant consider shared parking since peak demand will likely differ between uses. [Revised 1993 LCZO Section 6-1211(E)(9)]

Applicant Response: Notably, this application results in a significant decrease in the amount of impervious surface on the Subject Properties than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property) whereas this application contains approximately 8.33

acres of impervious surface (approximately 40 percent of the Subject Property). Moreover, the proposed church and school uses will make use of the same parking spaces. Given that the proposed church's traditional Sunday parking demands and the typical weekday parking demands for the proposed school differ between uses and are appropriate for combining parking facilities and reducing impervious surfaces, the Applicant appreciates Staff's support for a shared parking arrangement for the Subject Property. Since the proposed building is to be constructed in phases and since the parking lot will incrementally expand concurrently with the phased construction program, a shared parking arrangement will be reviewed prior to the Phase IV site plan (the construction of the balcony in the main auditorium). At such time, the Applicant will explore a shared parking analysis and potentially request an administrative reduction under Section 5-1102(F) of the 1993 Zoning Ordinance.

5. Staff recommends that the applicant address protection of the proposed recreation uses (athletic fields, courts, and pavilion) from noise generated by Ashburn Village Boulevard and Waxpool Road, which are both planned major collector roads per the Revised Countywide Transportation Plan (CTP). Based on Table 4-1 on page 4-8 of the CTP, noise abatement measures should be considered if noise levels approach or exceed 67 decibels (dBA) for recreation and active sport areas. The application should also consider noise generated from the recreation uses and impacts on adjacent properties. [CTP Noise Policy 2 and RGP Highway Noise Policies 1 and 3]

Applicant Response: Lansdowne Development Group, owner of the R-16 zoned portion of the Morley Corner rezoning recently commissioned a noise attenuation study by Polysonics Corporation, pursuant to Proffer VI.E of the Morley Corner Proffer Statement, which found peak hour traffic noise impact from Ashburn Village Boulevard to be 66 dBA in conformance with Revised General Plan noise policies. The proposed outdoor recreation uses on the Subject Property are located on the western edge of the Subject Property, separated from Ashburn Village Boulevard by a landscaped buffer, parking lot, and main church building. The outdoor recreation uses will be separated from Waxpool Road by a landscaped berm.

6. Staff encourages a built design with this application that helps to sustain the natural environment, including design measures that conserve energy and water consumption, and help maintain air quality. Several design approaches are available to achieve these goals, including Leadership in Energy and Environmental Design (LEED) as administered by the United States Green Building Council; and Energy Star and Water Sense programs administered by the Environmental Protection Agency. Applying said design features help to offset loss of natural habitat, conserve finite supplies of energy and water, and other impacts

from development like heat island effect. Staff supports incorporation of these design approaches and is available to discuss design options with the applicant.

Applicant Response: The site is designed to preserve the significant environmental features of the Subject Property and to protect the water quality of the adjacent stream. It also provides significantly more open space land than the approved zoning for the Morley Corner property. The Applicant is considering incorporating energy and water saving features in the design of the buildings, but is not far enough along in the building design process to commit to any program at this time. Some examples of these measures may include energy recovery heating and air-conditioning units, tankless hot water heaters, and water saving fixtures and toilets.

LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES (BRIAN FULLER, 11/4/2009)

1. No proffers were submitted with this application. Please provide proffers for review.

Applicant Response: A copy of the draft proffers is included with this letter for Staff's review.

2. Plat Note 11 on Sheet indicated that the Park serving this site is "Broadlands Park." Staff does not recognize Broadlands Park as a public park. The nearest parks to this site are Chick Ford and Ryan Bickel Fields (across Ashburn Village Boulevard from the site), Ashburn Park, and Greg Crittenden Memorial Park. Please revise the Note accordingly.

Applicant Response: Note 11 on Sheet 1 has been updated to correspond with Staff's recommendation.

3. Staff notes that Sheet 6 of Concept Plan depicts a soccer field, a small baseball/softball field, and a large baseball field. PRCS requests that the Applicant consider opportunities to partner with PRCS to permit youth soccer, baseball and/or softball practice on the fields. There are some agreements in place for the use of recreational facilities owned by churches and schools to allow use by youth sports leagues.

Applicant Response: The Applicant is willing to consider an agreement for use of the proposed recreational fields in the future, but cannot make any commitments at this time, since they anticipate significant use of the fields for church related recreational activities and school related physical education classes. These church-sponsored recreational activities will likely reduce the

demand for County sponsored activities and facilities due to County residents participating in the church-sponsored recreational activities.

4. Staff has identified the above, outstanding issues that require additional information to complete the review of this Application.

Applicant Response: Responses have been provided for the outstanding issues in this letter.

LOUDOUN WATER (JULIE ATWELL, 11/2/2009)

1. Change general note 8 (sheet 1) to read Loudoun Water could provide water and sanitary sewer service to the proposed development through extension of existing facilities. Water and sewer service would be contingent upon the developer's compliance with the Authority's Statement of Policy, Rates, Rules and Regulations and Design Standards.

Applicant Response: Note 8 on Sheet 1 has been updated to correspond with Staff's recommendation.

2. Show the location of existing and proposed water and sewer facilities on Special Exception plat.

Applicant Response: The Special Exception plat has been revised to correspond with Staff's recommendation.

VIRGINIA DEPARTMENT OF TRANSPORTATION (JOHN BASSETT, 11/5/2009)

1. Please see the attached memorandum dated Oct. 14, 2009 from Mr. Arun Raj of VDOT's Traffic Engineering Section.

Applicant Response: A separate response letter, prepared by Gorove/Slade accompanies this letter which responds to the October 14, 2009 memorandum from Arun Raj.

2. Please see the attached e-mail dated Monday, October 12, 2009 from Mr. Cina Dabestani of VDOT's Transportation Planning Section.

Applicant Response: A separate response letter, prepared by Gorove/Slade accompanies this letter which responds to the October 12, 2009 e-mail from Cina Dabestani.

3. Please provide this office a copy of the draft proffers/special exception conditions for review. The verbiage from the Statement of Justification dated July 30, 2009 (p. 7 of 16) under "V. Transportation" is noted and should be considered in drafting proffers.

Applicant Response: A copy of the draft proffers is included with this letter for Staff's review.

4. This applicant should dedicate one half of the ultimate right of way (U6M; 120' right of way; V = 45 mph) or 60' from centerline along this site's frontage and construct one-half of the Interim typical section (U4M) as specified in the *Countywide Transportation Plan (CTP)* from Waxpool Road to the point where it transitions from 2-lanes to 4-lanes on Ashburn Village Boulevard.

Applicant Response: The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning, even though peak hour traffic is reduced. Specifically, Proffer V.A.1 and 2 of the proffers associated with the Morley Corner application, provides for the dedication of right-of-way and the construction of two lanes of an interim four lane divided road section of Ashburn Village Boulevard across the frontage of the Property, in addition to right turn lanes and left turn lanes for the two full-movement entrances to the Property [see proposed Proffer V.A].

5. This applicant should dedicate one half of the ultimate right of way (U4M; 90' right of way) or 45' from centerline and construct frontage improvements consisting of one-half of the ultimate typical section (U4M; V = 40 mph) as specified in the *CTP* for this portion of Waxpool Road to complete the four-laning of this roadway through this area. This will include utility relocations, culvert crossing(s), etc if necessary.

Applicant Response: The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning, even though peak hour traffic is reduced. Specifically, Proffer V.B.1 and 2 of the proffers associated with the Morley Corner application provides for the dedication of right-of-way and the construction of two lanes of a four lane divided road section of Waxpool Road across the frontage of the Property, in addition to a right turn lane entrance into the Property [see proposed Proffer V.B].

6. Per the *CTP*, this applicant should dedicate additional right of way and provide an exclusive, standard right turn lane into each site entrance on both Waxpool Road and Ashburn Village Boulevard.

Applicant Response: As stated above in response to Comments 5 and 6, right turn lanes into the Subject Property are contemplated for each site entrance by Proffers V.A.1 and V.B.1 of the proffers associated with the Morley Corner application, which is being continued with the proposed rezoning [see proposed Proffers V.A.1 & V.B.1].

7. Pedestrian and/or bicycle accommodations must be considered in the design and may require additional right of way.

Applicant Response: A 10-foot wide asphalt trail located within a 14-foot wide public access easement along Ashburn Village Boulevard and Waxpool Road is being provided along the frontage of the Subject Property by Proffer IV.B of the proffers associated with the Morley Corner application, and is being continued in the proffers for this rezoning under proposed Proffers IV.A and IV.B.

8. Please dimension the distance to the closest crossovers in both directions and ensure that that at least the minimum crossover spacing criterion of 800' is met along Ashburn Village Boulevard.

Applicant Response: The distance to the closest crossovers in both directions exceed the minimum crossover spacing criteria along Ashburn Village Boulevard, and RIRO entrance spacing along Waxpool Road. The spacing along Ashburn Village Boulevard is 940 feet and 820 feet. The spacing along Waxpool Road for the RIRO entrance is 420 feet.

9. All crossovers are to have standard left turn lanes in *both* directions.

Applicant Response: Standard left turn lanes are being provided in both directions on Ashburn Village Boulevard at Red Rum Drive/Romans Road and the entrance into the Subject Property.

10. Applicant should be responsible to design and install a traffic signal at their site entrance/Ashburn Village Boulevard/Red Rum Drive when warrants are met as determined by VDOT. The applicant should also be held responsible to conduct and submit for review a traffic signal warrant study.

Applicant Response: Funding of a traffic signal warrant analysis at the intersection of Ashburn Village Boulevard and Red Rum Drive/Romans Road, as well as a contribution towards 50 percent of the signal cost is included in Proffer V.E of the proffers associated with the Morley Corner application, which is being maintained in the proffers for this rezoning, despite the fact the proposed rezoning will generate less traffic than the approved rezoning [see proposed Proffer V.D].

11. Applicant should be responsible to design and install a traffic signal at Ashburn Village Boulevard/Waxpool Road intersection when warrants are met as determined by VDOT. The applicant should also be held responsible to conduct and submit for review a traffic signal warrant study.

Applicant Response: Funding in the amount of \$50,000 towards a traffic signal at the intersection of Ashburn Village Boulevard and Waxpool Road is provided by Proffer V.D of the proffers associated with the Morley Corner application, which is being maintained in the proffers for this rezoning, despite the fact the proposed rezoning will generate less traffic than the approved rezoning [see proposed Proffer V.C]. Additionally, it is the Applicant's understanding that this traffic signal design currently is under review.

12. Applicant may need to dedicate additional right of way and/or easements to accommodate traffic signal equipment at the locations noted in comments # 10 and 11 above.

Applicant Response: Proposed Proffers V.A and V.B include a provision dedicating additional right-of-way and/or easements to accommodate traffic signal equipment at the Ashburn Village Boulevard/Red Rum Drive/Romans Road and Ashburn Village Boulevard/Waxpool Road intersections. Additionally, the Applicant is willing to dedicate, if needed, all or a portion of the 0.3-acre residual parcel of land at the northeast corner of the Ashburn Village Boulevard/Waxpool Road intersection to VDOT.

13. We recommend the County pursue a pro-rata monetary contribution to be applied towards area transportation improvements. See also comment # 18.

Applicant Response: Proffer V.C of the Morley Corner proffers include a commitment of \$500 per residential unit for transit capital costs, which is

unaffected by the proposed rezoning. The proposed rezoning is retaining transportation proffer commitments of the Morley Corner rezoning, even though the traffic generated by the proposed rezoning is reduced. The Morley Corner proffers did not include a monetary contribution, since the road improvements provided contributed to the regional road requirements.

14. Plan sheet 2 of 6: This sheet does not depict "Existing Conditions", in particular on Ashburn Village Boulevard. Please revise this plan sheet to accurately depict actual field conditions.

Applicant Response: Sheet 2 has been revised to show actual existing conditions.

15. Plan sheet 4 of 6 is ambiguous. Are these the roadway improvements proposed by this applicant or "By Others" or the ultimate conditions specified by the CTP or something else yet?

Applicant Response: Sheet 4 shows the ultimate CTP conditions for Waxpool Road and Ashburn Village Boulevard and demonstrates that no additional ROW will be required. This information is consistent with what was shown on the previously approved Morley Corner rezoning. A note has been added to Sheet 4 to clarify the future conditions shown.

16. Related to comments # 14 and 15 above: Plan should be revised to clearly show existing and proposed conditions.

Applicant Response: The concept plan has been revised to correspond with Staff's recommendation. Notes have been added to the concept plan clarifying the Waxpool Road and Ashburn Village Boulevard improvements proposed by this application and by others.

17. Plan sheet 4 of 6: Typical sections should be revised to reflect roadway standards design parameters, i.e.,

- (a) Standard lane width is 12
- (b) Median lane includes 1' shy line offset
- (c) Outer lanes are 12' but are adjacent to a 2' gutter pan if curb & gutter is specified
- (d) Right of way dedication should be sufficient to encompass roadway and its appurtenances
- (e) Sidewalks, trails, shared use paths, etc should also be shown on typical sections.

Applicant Response: The concept plan has been revised to correspond with Staff's recommendation. The proposed sidewalk and trails are not shown on the typical street sections, because they are located outside the ROW.

18. In the event that some of these transportation improvements are constructed "by others" (see comment # 21) then the applicant should provide an equivalent monetary contribution to Loudoun County.

Applicant Response: In the event that some of the proffered transportation improvements under the Morley Corner proffers are constructed by others, Proffer V.G of the Morley Corner Proffer Statement provides for a monetary contribution to Loudoun County in an amount equivalent to the verified cost of said paid improvements. This proffer is being continued in the current application under proposed Proffer V.F.

19. We understand that the "Portion of Existing Parcel 3 to remain R-16 Zone" and Lot 4 are not part of this application. However, they are owned by this applicant. What are the future plans for these adjacent parcels?

Applicant Response: The R-16 zoned parcel referenced above (MCPI # 087-17-7312) is now owned by the Lansdowne Development Group and is not a part of this application. The R-16 zoned portion will be developed according to the approved Morley Corner Concept Plan and Proffer Statement.

20. Identify whether any waivers will be required of the new VDOT Access Management Regulations 24 VAC 30-73 which took effect October 14, 2009.

Applicant Response: No waivers are required. The spacing requirements are met for the median crossovers on Ashburn Village Boulevard with spacing of 940 feet and 820 feet and on the RIRO on Waxpool Road with a spacing of 420 feet.

21. This application should be coordinated with Loudoun County Office of Transportation Services (OTS) Waxpool Road (Route 625) Improvement Project # CPAP 2006-0051.

Applicant Response: CPAP 2006-0051 currently is in bidding, therefore, specific entrance locations cannot be coordinated. The other improvements have been coordinated, however.

22. We recommend that the Ashburn Village Boulevard site entrance have at least two (2) outbound lanes.

Applicant Response: The concept plan has been revised to correspond with Staff's recommendation.

23. If needed, the applicant should dedicate the necessary right of way from the sliver of land on the east side of Ashburn Village Boulevard in order to provide at least 60' from centerline.

Applicant Response: The Applicant is willing to dedicate, if needed, all or a portion of the 0.3-acre residual parcel of land at the northeast corner of the Ashburn Village Boulevard/Waxpool Road intersection to VDOT.

24. Statement of Justification dated July 30, 2009 (p. 3 of 16) indicates this project will be built in four phases but Note 21 on plan cover sheet 1 of 6 indicates it will be built in two phases. Please clarify.

Applicant Response: The Applicant is proposing a revised phasing plan, and the Statement of Justification and the plan set have been updated accordingly. The Applicant plans to construct the proposed uses in four phases. Phase I will include the construction of the lighted recreational playing fields, tennis and basketball courts and the 2,400 s.f. "Phase I Church Building," which will host regular worship services as an interim facility until the larger main church building is constructed; Phase II will include construction of the majority of the main church/school building; Phase III will include the construction of the ministries building, as well as the addition of the Kindergarten space and playground as well as a 4,903 s.f. gymnasium expansion to the main church/school building; and Phase IV will include the addition of a 5,217 s.f. Fellowship Hall and main auditorium balcony to the main church/school building. Following Phase II, the "Phase I Church Building" will be used as both an outdoor chapel and a concession stand. Since the recreational areas will not be established prior to the church use, the recreation areas are properly characterized as accessory uses to the principal church use.

25. Statement of Justification dated July 30, 2009 (p. 6 of 16) under "V. Transportation" indicates that the CTP calls for this portion of Waxpool Road to ultimately be 6-lane divided roadway; however, it appears that the CTP calls for this portion of Waxpool Road to be a 4-lane divided facility. Please re-check.

Applicant Response: Page A1-21 and A1-22 of the Countywide Transportation Plan calls for the ultimate segment of Waxpool Road between Pacific Boulevard and Ashburn Road to be a six-lane controlled access divided urban collector with a 120-foot right-of-way.

26. It would be helpful to place the ADT, design speed and functional classification of Waxpool Road, Route 625 and Ashburn Village Boulevard directly onto the plan sheets.

Applicant Response: Sheet 4 of the concept plan has been revised to correspond with Staff's recommendation.

As referral comments are still outstanding from the Office of Transportation Services, the Applicant cannot respond to those at this time. The Applicant will supplement this letter following receipt of said comments.

Very truly yours,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.



Andrew A. Painter

Enclosure, as stated

cc: Dr. David L. Pittman, Senior Pastor, Temple Baptist Church
Mr. Larry D. Wright, Visitation Pastor, Temple Baptist Church
Mr. Benjamin Rose, Bowman Consulting
Mr. Tushar Awar, Gorove/Slade and Associates
Mr. J. Randall Minchew, Esq., WCLEW
Ms. Christine E. Gleckner, AICP, WCLEW

A-147

**MORLEY CORNER—TEMPLE BAPTIST CHURCH & SCHOOL
ZMAP 2009-0006 & SPEX 2009-0026**

DESIGN GUIDELINES

May 25, 2010

**- I -
GUIDELINE INTENT**

The guidelines in this document shall serve as a tool to direct project planning for Temple Baptist Church's Morley Corner PD-OP and PD-CC-NC zoned property, and to assist in programming and design activities for the project as it develops. While creativity is encouraged, these guidelines help to establish a coherent architectural character for the development so that a continuity of visual imagery is maintained. The information should be used to convey the developer's expectations and set minimum design standards for the site.

**- II -
SITE DESIGN**

ACCESSIBILITY

All site areas in the property shall be accessible regardless of an individual's physical disability and shall follow all applicable governing standards in regards to accessibility. Disability in this context includes, but is not necessarily limited to, persons requiring wheelchairs, walkers, or persons with impaired hearing and/or sight. Without exception, cross slopes of pedestrian crosswalks, handicapped parking and the handicapped accessible route shall not exceed two percent (2%).

VEHICULAR CIRCULATION

Roadways should be asphalt paved with appropriate travel lanes widths and plain concrete curbs. Asphalt design shall be appropriate for the type of vehicular traffic expected to use the roadway. The center of opposing roadways at intersections should be directly aligned wherever possible. To designate pedestrian traffic areas from vehicular use and to promote a higher level of pedestrian awareness, the use of decorative standard paving materials is encouraged.

PARKING AREAS

Parking areas should be asphalt paved with plain concrete curb to define the edges. Handicapped parking space ratio, size, marking and signage should comply with applicable design standards and ordinances. Parking areas should consist of separated parking fields that are aesthetically pleasing. They should be landscaped to soften the public views and located so as not to be the dominant feature along any street or intersection.

PAVED PEDESTRIAN AREAS

Paved pedestrian areas shall include walkways and special areas such as plazas or major pedestrian intersections. All walkways shall be constructed to meet Loudoun County guidelines and other governing standards. The maximum cross slope for all walkways and plazas is two percent (2%), and cross slopes shall not exceed that limit.

Special attention shall be given to pedestrian walkways that cross over roads and service areas. The crosswalks shall be constructed of decorative paving and have either the same decorative material in a contrasting pattern or concrete as an edging. The width of crossings should be at least as wide as the pedestrian walkways they connect.

Pedestrian plazas shall be designed as places for persons to gather and their use should be encouraged. The design of such may incorporate seating height walls or benches, shade structures, shade trees, bushes, flower beds and other built or landscape features appropriate for the scale and location of the plaza within the development. Plazas and other special areas should be designated with decorative paving, stamped concrete, accents and borders. Lighting should be appropriate to encourage pedestrian use during evening hours.

OUTDOOR DINING AND SIDEWALK CAFES

The design of outdoor dining areas and sidewalk cafes will be compatible to the architecture of the “parent” or “host” building. They shall also be designed to complement the character of the street context.

No element affiliated with an outdoor dining area/sidewalk café, whether perimeter railings, fencing, plantings, menu board or other item, shall obstruct the width of the required clear movement zone.

Canopies, awnings or table umbrellas are encouraged and may be used to provide shading and screening for the diners.

Exterior flooring other than sidewalk materials may be used at outdoor dining areas provided that such materials are set back from the established right-of-way. Paint, grass, artificial turf, carpet, platforms and any interior finish materials or treatments should not be allowed.

The design of perimeter railings or fencing should complement the concept and materials of the restaurant's exterior and the context of the adjoining public realm. Railings and posts may be of metal, wood and/or stone. Landscaping elements should also be complementary with the adjacent structures.

Fencing may be designed and constructed for permanent or temporary/seasonal installation. If the fencing is to be left in place during the off-season, it must be maintained in a well-kept fashion. Temporary posts and railings are not permitted to be stored within public view.

Except for wall sconces or bracketed light fixtures, all other furnishings, amenities, accessories and service items should be removed from the outdoor café area off season. When stored, any outdoor café items or furnishings should be concealed from public view.

SITE FURNITURE

Site furniture (which specifically excludes outdoor dining furniture) includes a variety of outdoor furnishings that are provided to increase the level of human comfort and involvement in exterior landscape spaces. Site furniture should be highly visible to encourage its use, but integrated into the physical setting. Paved areas are recommended for placement of site furniture in order to provide accessibility and ease of maintenance. In order to deter theft and vandalism, furniture should be of sturdy weight and construction and be securely anchored to the paved surfaces. Daylight hours, proximity of lighting for safety, visibility and typical activity in adjacent spaces shall be considered when placing furniture.

Benches should be located in direct proximity to areas of typical pedestrian usage including walkways, within gathering spaces and at building entrances. At least two benches will be provided. Metal benches should be used due to their durability and low level of required maintenance. All benches should be placed on paved surfaces that are along pedestrian pathways but that do not decrease the width of the pathway leading to them.

Trash receptacles should be located adjacent to seating areas, eating areas, building entrances, gathering spaces, in parking fields and along major pedestrian walkway intersections. At least one trash receptacle will be provided. There shall be sufficient numbers to provide convenience for waste disposal, but remote enough from sitting and eating areas for insect control

SERVICE AREAS

Service areas including loading docks and maintenance storage areas are an important part of the operation of the development. Service areas will (as reasonably practical and in accordance with Loudoun regulations) be located away from plazas and building entries and should be separated from main pedestrian walkways. Service areas shall be screened with walls or a combination of screen walls, landscaping and fencing. Service areas shall be located away from and not to interfere with the natural areas and tree save areas of the site.

SCREENING

The location and screening of building service areas, transformers, telephone equipment, dumpsters, utility meters and other building mechanical equipment on the site and/or roof is critical to maintaining the overall appearance of the property. The presence of these service elements is critical and they must be given proper consideration in the early stages of design and planning for the development. Considerations in the planning stages should include an assessment of the possible quantity, size and scale of all of the service elements for each area.

Their location should be as remote as possible from main building entries, major pedestrian walkways, plazas and intersections. Utility meters, water meters and valves should be located in service areas that are screened from pedestrian view. Pedestrian senses should be taken into account in location of equipment. Noise from utility equipment should be considered when locating air handling equipment, condensing units, cooling towers and similar equipment. This equipment should be on rooftops or in service areas whenever possible and should be screened from view. Minimizing odors should be a factor when determining air handling equipment intake and trash storage locations. Dumpsters shall be screened with screen walls. Transformers and other small equipment may be softened with shrubbery.

Screen walls should be constructed of brick and/or split-faced block as appropriate for the building that they are associated with. The designer has latitude with patterning and incidental details of the wall as long as the screen is given the same attention to detail as the building elevations. The scale of materials and detailing shall be selected to blend with the surrounding construction. The height of screen walls and landscaping shall hide the object being screened and is dependent upon sight lines as they are affected by grading and vertical elevation. In all cases, screening will be accomplished as permitted by the servicing utilities. Such utilities have standards for access and safety that must be adhered to and will override these guidelines.

FENCING AND RAILINGS

Fencing can be used as an attractive form of security, screening or area definition and/or for parking and pedestrian plaza areas. All fence posts, rails and pickets should be galvanized with a finish coat of polyester resin in a color to match the typical metal used on site. Terminations and intermediate supports may be made with accent elements such as 24" square brick piers, capped with precast cast stone.

Fencing in the planned project context should work with the spatial definition of the street as well as complement the adjacent architecture. It can also be use to conceal service and loading areas as well as reduce the negative impact of noise and wind on an important open space. Fencing can also convey a sense of protection and privacy.

A railing should express the character of the architectural façade to which it is attached. Railings may be located at parapets, at balconies or act as accents over fenestration. Metal railings should be appropriately protected from deterioration, with colors and finishes that complement the architectural façade. Railing design brings scale and detailing to the building's façade and establishes a finer visual amenity at the street.

The design of a masonry "fence" or screen wall, is articulated through the choice of its masonry patterning and the coordination of its colors and textures. The location and emphasis of shadow lines can also be used as a design element when the placement of brick projections is considered.

DUMPSTERS

Dumpsters shall be located so they are easily accessible to both service vehicles and end users and should be remotely located from HVAC air intakes and windows. Dumpsters shall be screened on three sides with 7' high minimum walls constructed of split-faced block and or brick, concrete pads should extend 10' in front of the dumpster. Walls shall be capped with a precast coping stone. Dumpster enclosures shall complement the structure that they support.

Bollards should be located to protect the walls and access gates. Dumpster screens should be swing type gates constructed of metal which provide for a minimum direct visual screening of 80%. Gates are encouraged to be ornamental in nature but wood, chain link and other open designs shall not be permitted. A frost-proof hose bib located within 100' of each dumpster screen is recommended.

UTILITY SERVICE

All utility connections, including electrical and telephone connections and installations of wires to buildings, should be made underground from the nearest available source.

Generators, transformers, chillers and any other mechanical or electrical equipment should be practically at grade level.

Electric, gas or other meters should be placed at grade practically screened. Utilities placed above ground should be softened with landscaping, fencing or set within the architectural form.

Telecommunication devices, splice box pedestals, cable or satellite television antennae, etc. should be placed to allow for visual softening.

Security cameras and other equipment should be carefully organized and coordinated with the adjacent architecture.

No exterior mounted wiring or conduits will be allowed.

As noted above, screening will be accomplished as permitted by the servicing utilities. Such utilities have standards for access and safety that must be adhered to, and will override these guidelines.

- III - BUILDING DESIGN

The following design guidelines should be used to promote a consistent architectural character of the property between new buildings and site design by establishing a visual order and clarity for the overall look of the project. As the development process must take into consideration factors such as cost, function and specific site restrictions, the architectural principles stated below should be viewed as parameters for the design process rather than rigid design solutions.

The intent of Temple Baptist Church's Morley Corner project is to provide for church, recreational, and PD-CC-NC uses. This section presents general design principles for new buildings, and building designs shall specifically address site considerations and design elements.

DESIGN PRINCIPLES

Each new building design, expansion or renovation must consider pedestrian and vehicular flow, parking, service, open space requirements and future plans for the property as proposed in the current master plan.

Building entrances and service areas should be appropriately placed and oriented for the specific location after considering their impact on the center as a whole.

New buildings should not interfere with established pedestrian or vehicular pathways.

Proposed plans for future additions to new buildings or for new buildings that will require construction in phases must be considered in the overall master plan for the site.

Buildings should provide a unifying theme while maintaining each building's individual character.

Reflective glass or mirrored glass is not permitted. Efforts should be made to use clear glass on storefronts, windows and doors to promote the linkage of the interior and exterior of buildings.

All sides of all buildings opened to public view should be treated with the same level of architectural style, including consideration for the appearance of service areas, service activities, utilities and equipment necessary for the building function.

Rooftop equipment must be screened by either parapet walls, recessing into the top floor of the building, or under sloped metal roofs. Independent mechanical screens will be evaluated on a case by case basis.

Cooling towers and condensing units may be located on grade, but they should be screened and must be located away from pedestrian plazas and passive site areas where noise will detract from the human environment. See screening section of Guidelines.

Corporate franchise design, where the building functions as a trademark shall be permissible only if it incorporates architectural elements which are compatible with the overall theme and unique character of the development.

STOREFRONTS

Grade-level businesses have a reciprocal relationship with pedestrians – each needs the other. Transparent storefronts and direct access at grade makes them both aware of each other's existence and also signals that there is a constant opportunity for meeting and

exchange between them. With transparency, communication is easy; without it, products cannot be seen and spontaneous interest cannot develop. Ideally, glazing at the street forms a continuous rhythm of openings and entrances that maintain the interest of the pedestrian. When that transparent line becomes opaque, however, it should be of limited extent and designed to maintain a sense of rhythm.

When storefronts and grade level spaces provide opportunities for pedestrians to view interesting merchandise, or to view daily commercial and business activity, the public will explore the place.

Customer entrances should be clearly defined and highly visible. Provide primary entry from the street into businesses at grade and provide additional secondary entries into the building from the street where appropriate.

Portions of the storefront at the building line may be set back to further articulate grade-level spaces and to provide opportunities for additional pedestrian amenities. Seats, landscaping, and other pedestrian conveniences must remain out of the clear movement zone of the sidewalk. Building setbacks offer possible locations for these and other amenities.

Provide a pattern of transparent glazing at both grade and second floor levels to increase visual communication between inside and outside and to increase the pedestrian's sense of safety.

Consider integrating transparency into building entryways located near storefronts.

To the greatest extent possible, maintain glazing at the street level as an uninterrupted pattern. Where it must be broken, minimize the amount of opaque wall surface between window segments.

Trash collection, service, and loading areas should be, to the greatest extent possible, screened from the public view.

Grade-level businesses and storefronts should provide features and pedestrian-oriented amenities at the street, such as display windows, awnings, benches, and accent lighting.

Exterior lighting at the storefront or grade-level businesses along its full length is encouraged. Where lighting is provided, fixtures should be attached to the façade with the bottom of the fixture at no less than 8 feet above finished grade.

CANOPIES AND AWNINGS

Weather-protection features such as awnings, canopies, porticos and entry elements should be provided at building entrances. Canopies typically refer to elements extending

perpendicular from a main building entry towards the street. Awnings typically refer to elements which extend over and shade storefront windows of commercial businesses. Awnings may also be used as decorative architectural features, where appropriate.

Canopies should frame entrances. Posts which support a canopy should not interfere with the clear movement zone of the sidewalk. The design shall incorporate other methods of structural support, such as cables or rods attached to the building and extended out to hold the canopy from above, unless otherwise approved.

A series of awnings provided along an establishment's façade should maintain a consistent design. Awnings should be of solid color, while each individual building on a parcel may have unique awnings, the awnings of any specific building should be consistent in color and design.

Awnings may be located at grade – and second – level windows. The width of an awning would typically match the width of the building's opening for the window. Other locations for awnings may be considered, but will be subject to review and approval on a case-by-case basis.

Canopies and awnings should be of fire-resistant material, or of metal and/or glass treated to withstand oxidation, corrosion and deterioration from airborne salts. Awning fabrics will vary, and the basis for selection should include color retention and durability.

Awnings can be of various forms and sizes, but should not extend more than 4 feet from the face of the building and should not be lower than 8 feet above finished grade.

MATERIAL PALETTE GUIDELINES

The characteristics of building materials, i.e. durability, texture, finish, composition, and color work to convey quality and define style. Showy or gloss of materials imply plasticity and are discouraged unless they are used as accents or limited features. Natural materials with texture and earthy colors are highly encouraged.

WALLS (Not to include building walls, but any other wall)

- No wall shall have more than two materials
- Retaining walls at frontages and in front yards should be finished with masonry
- All openings in walls shall have vertically proportioned openings

ACCEPTABLE MATERIALS FOR EXTERIOR WALLS

- Brick veneer that is earth-toned and sympathetic to the Virginia countryside
- Mortar color that is compatible with the brick color
- Natural or manufactured stone
- Architectural metal
- Architectural concrete
- Cast stone
- Architectural glass. Highly reflective glazing will not be allowed.
- Stucco and dryvit/EIFS (as long as they are used as accents or limited to surfaces comprising less than 25% of a building face).

UNACCEPTABLE MATERIALS FOR COMMERCIAL EXTERIOR WALLS

- Tile-faced or ceramic-faced masonry units
- Varnished, epoxy-finished or otherwise shiny, highly reflective materials

ROOFS

- Buildings may have sloped or flat roofs, as long as all rooftop equipment is concealed from view by parapet walls, and the roof style is compatible with the building style.
- Shingle roof products may be acceptable upon review by the DBR. These products should be of high quality and the contemporary interpretation of a historic product such as slate or wood shakes.
- Dormers should have hipped or shed roofs.
- Sloped roof materials should be architectural grade metal roofing. (Note: copper roofs, gutters and flashing should not be painted or sealed but should be permitted to age naturally). All roofs over porches shall be metal roofs. Bay windows shall have metal roofing. Gutters and downspouts should be made of copper or prefinished aluminum. Where gutters are not used, it is recommended that pavers or gravel be placed at the drip line.

- Gable roof ends should have a minimum overhang of 12 inches.
- Roof penetrations should be on the rear slope of roofs and painted to match the color of the roof.
- Skylights should be flat and mounted on the rear slope of the roof and should not be visible from any public area.

COLUMNS AND POSTS

- When used, columns and posts should have historically correct proportions and profiles.

The material palette stated above is the baseline palette for the project. Designers should feel free to discuss the use of similar compatible colors and materials with the DRB and seek approval of the use of those materials as appropriate, depending upon the specific building type and location of the proposed material.

- IV - LIGHTING

Site lighting within the property will include roadway lighting, parking area lighting and special accent lighting within individual building parcels. Roadway lighting will utilize consistent fixtures to provide continuity among streets. Parking areas and accent areas for individual buildings may utilize fixtures of a different design that are unique to the specific use and architecture, pending approval of the Design Review Board. All lighting shall utilize metal halide lamps.

Lighting increases visibility for safe vehicular and pedestrian movement, highlights site features such as plazas, sculptures and buildings, expands the period of use for outdoor spaces, and enhances security. Fixtures should be located to properly illuminate selected areas and to blend with and accentuate the architectural and landscape design of the center. Soft lighting of the building entrances will be permitted; provided that the light source is generally shielded from view and that it complements the architecture. Any use of lighting that is in excess of amount necessary to achieve these objectives or detracts from the theme and appearance of Morley Corner will not be permitted. In order to achieve uniform appearance and identical color of lighting, all lighting will conform to the following standards:

All exterior light fixtures and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass and glare across the property lines and or disability glare at any location on or off the property. All parking lot, roadway, and service area lighting will be provided by cut-off type fixtures to assure that the source is not seen from the streets or adjacent parcels.

Pedestrian lighting fixtures should be located along main pedestrian routes and within 20' of building perimeters. Planting materials should not be located in such a way as to block the light source to these areas. Maintenance personnel should routinely perform surveys of the light fixture after daylight hours to locate non-working fixtures. Metal Halide lamps are required in addition to photocells and timers to prolong lamp life and conserve energy.

Specialty lighting includes, but is not necessarily limited to lighting for building facades, trees, landscaping, monumental signs, and hardscape. The selection of specialty lighting types is dictated by photometric data, desired light levels, and any necessary screening to complement the lighting.

BUILDING ENTRANCE AREAS AND GATHERING AREAS

Pedestrian-scaled (14-16' height) ornamental lighting is encouraged for use near building entrance areas, within gathering areas and along significant pedestrian routes within a land bay. The fixture and pole style should be determined by architecture of the buildings within the same land bay. Pole and fixture color should match that used for the parking area lighting within the land bay, and the ornamental fixture should be consistent throughout the land bay to provide continuity. Pedestrian scaled lighting shall be flush mounted. In addition to pedestrian-scaled ornamental lighting, special accent lighting may be used to "wash" walls or light accent trees and specimen plantings.

PARKING AREA LIGHTING

Parking lights will be provided by the developers of the land bays. Parking lot lights should utilize cut-off "shoebox" type fixtures with a maximum 25' total height and a maximum 2' high concrete pole base when fixtures are mounted in parking areas. The same specification shall be utilized within project to provide continuity. Pole and fixture colors should be uniform and should be compatible with the building architecture.

SIGNAGE

All signage must be reviewed and approved by Loudoun County. Signage shall be compatible with the scale and architecture of the entire development.

- V -

ADMINISTRATIVE PROCEDURES

This document shall establish the Design Review Board (DRB) and generate the rules to govern the submittal, review and approval process.

DESIGN REVIEW PROCEDURES

The Developer(s) of property (developer) is required to engage an architect or engineer (designer) registered in the Commonwealth of Virginia for the preparation of the project plans and specifications as required by the Virginia Statewide Building Code. If the designer has in-house credibility in that regard and cares to provide evidence to the end, this requirement may be waived by the DRB.

The developer is further required to engage the aforementioned designer for the additional purpose of providing construction progress inspection services. This requirement can be waived by the DRB as outlined in the preceding paragraph.

All components of building design must adhere to the governing ordinances of Loudoun County, Virginia, and the Virginia Statewide Building Code.

The foregoing procedures should prove reasonable and adequate for most situations. The DRB can, however, convene and react on special occasions in an effort to accommodate unusual situations where justified. These procedures are part of the overall effort to insure that an acceptable quality level is attained on the property without the necessity of imposing undue cumbersome regulation.

The Design Review Board (DRB) shall consist of members appointed by Temple Baptist Church, and subsequently the Owners Association which is empowered to appoint their successors should a vacancy occur and whose names shall be maintained at the Property Owners Association offices. The Farmwell Hunt Owners Association shall be permitted to appoint one non-voting member to the DRB. All new construction, subsequent construction, remodeling with exterior exposure, expansion, and demolition of structures must be reviewed and approved by the DRB prior to commencement of any building or construction on-site activity. Any matter requiring review and approval by the DRB shall be submitted directly to the review board.

An administrative review fee of Fifteen Hundred Dollars (\$1,500.00) shall accompany the required submittal documents. The fee shall be made payable to Temple Baptist Church of Herndon, Virginia. The intent is for review fee to cover all submittal phases

and reviews for a particular development site, however, if the review fee is exceeded due to multiple reviews and required re-submissions, additional fees may be levied at the discretion of Temple Baptist Church to cover additional expenses. No plans and specifications will be reviewed unless and until the fee is paid. (The amount of the review fee may be adjusted at any time by Temple Baptist Church).

Five (5) complete copies of all plans, specifications, material samples, and related data constituting a formal submission shall be provided to the DRB, together with a cover letter identifying the materials as a formal submission and describing the submission stage. The DRB will review each formal submission made by the Applicant and will provide a written response within twenty-one (21) days after receipt of the formal submission; provided, however, that the twenty-one (21) day time period shall not begin until all of the materials constituting a formal submission (including the cover letter) have been received by the DRB.

The DRB may take one of three actions:

1. Approval
2. Approval with conditions
3. Disapproval-resubmit

DRB approval is valid for one (1) year from date of approval. Developers may request an additional one (1) year extension without resubmission.

In the event the DRB shall fail to approve, conditionally approve, or disapprove the formal submission in writing within twenty-one (21) business days from actual receipt of the formal submission to the DRB, approval shall be deemed to have been granted. However, the applicant will still need to seek approval from authorities having jurisdiction.

The formal submission shall be delivered to the DRB in person or by certified mail at the address to be designated by the Property Owners Association. The order and procedures for submissions are set forth as follows:

1. Buildings and Site Plan
2. Lighting
3. Signage

PRELIMINARY PLANS (STEP 1)

This submittal should present the surface layout (parcel plan) and utility service, and include exterior design, elevations, materials and colors. The proposing party may wish to submit a rendering of exterior building appearance as a supplement to this submittal. These plans should be presented in the format typically for this type of presentation. Submission information required for preliminary plans is as follows:

1. Dimensioned site plan with location and size of all buildings
2. Schematic site grading and drainage plan
3. Schematic utility plan
4. Schematic floor plans
5. Schematic building elevations
6. Building sections
7. Schematic landscaping plan
8. Conceptual signage plan
9. Conceptual lighting plan

FINAL PLANS (STEP 2)

These plans must represent finished site layout and complete building design and should include landscape, exterior sign and exterior lighting details. Submission information required for Final Plans is as follows:

1. Site plan
2. Site grading and drainage plan
3. Utility plan
4. Floor plans
5. Building elevations

6. Building sections
7. Landscaping and irrigation plan
8. Lighting plan (see below)
9. Signage plan (see below)
10. Exterior materials samples
11. Building perspective or model

CONSTRUCTION PLANS (STEP 3)

The construction plans must indicate the location of construction trailers, parking areas for workers, materials storage areas, and equipment cleaning areas. This plan must be submitted and approved by the DRB prior to mobilization on the site. Submission information for Construction Site Plan is as follows:

1. Complete set of Building and civil plans – For construction
2. Trailer location
3. Materials storage
4. Parking area
5. Equipment cleaning area
6. Erosion and sedimentation control plans and procedures
7. Security fencing

LIGHTING PLANS

All exterior lighting, including parking lot lighting, accent and decorative lighting, pedestrian lighting, and building mounted lighting shall be presented to the Design Review Board (DRB) for approval. Designs will be reviewed for strict compliance with these guidelines and must also comply with the Loudoun County Zoning Ordinance, and other governing agencies. Approval by the DRB does not relieve the proposing party of the responsibility to have signage approved by Loudoun County. The applicant shall

submit the information listed below to the DRB in the form of a lighting plan. Lighting plans shall consist of:

1. Architectural site plan showing locations, fixture types, and mounting details of all exterior lights including building mounted lights.
2. Photometric plan of the exterior lighting plan (same plan as section 1).
3. Fixture schedule, and cut sheets or photographs of proposed fixtures including colors and finishes.

SIGNAGE PLANS

All graphics and signage proposed shall be presented to the Design Review Board (DRB) for approval prior to fabrication and installation. Designs will be reviewed for strict compliance with these guidelines and must also comply with the Loudoun County Zoning Ordinance, and any other governing agencies. Approval by the DRB does not relieve the proposing party of the responsibility to have signage approved by Loudoun County. The applicant shall submit the information listed below to the DRB in the form of a signage plan. Signage plans shall consist of:

1. A site plan, drawn to the required scale, showing all buildings, with locations of ground-mounted and building mounted identity signs, site directional signs, traffic signs, and utility/parking space identity signs indicated.
2. Plan, elevation, and section of each ground-mounted and building-mounted sign, with dimensions and materials indicated.
3. Elevations of building-mounted signs shall be shown to scale along with adequate building context.

SUBMISSION REQUIREMENTS

All submissions shall include the following information:

1. Name and address of applicant and firm preparing the submission
2. Graphic scale – min. 1" = 50' for site plans, and min. 1" = 20" for buildings
3. Date of preparation

4. Revisions from previous submittals
5. Stage of submission (from those listed above)
6. Gross area of individual buildings
7. Vicinity map

The procedures for resubmission will require a resubmittal of the requirements only for the portion of the plan which was disapproved

**MORLEY CORNER—TEMPLE BAPTIST CHURCH & SCHOOL
ZMAP 2009-0006**

PROFFER STATEMENT

**December 15, 2009
Revised May 25, 2010**

Pursuant to Section 15.2-2303, Code of Virginia (1950), as amended (the "Code"), as well as Sections 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance, (the "Zoning Ordinance"), Temple Baptist Church of Herndon, Inc. (hereinafter, the "Owner"), the sole owner of a certain parcel of land identified as Loudoun County Tax Map 79 ((62)), Parcels 1, 2 and 3 (MCPI 088-37-1171, 088-47-1916, 088-47-3765, respectively) (hereinafter referred to as the "Property") on behalf of itself and its successors in interest, hereby voluntarily proffers that if the Board of Supervisors approves a rezoning of the Property to the Planned Development-Office Park ("PD-OP") and Planned Development-Community Center-Neighborhood Center ("PD-CC-NC") zoning districts to allow for the construction of a church, before- and after-school child care and accessory recreational fields in the PD-OP portion of the Property, and to permit retail uses in the PD-CC-NC zoned portion of the Property, the Property shall be developed in substantial accord with all proffers previously given and accepted by the Board of Supervisors in ZMAP 2006-0003, Morley Corner, (the "Proffers"), except as modified herein.

These proffers are intended to continue the prior commitments approved pursuant to ZMAP 2006-0003, Morley Corner, which pertain to the Property. Where the proffer commitments approved pursuant to ZMAP 2006-0003 are carried forward in this proffer statement, such commitments are intended to be allocated between the Owner and the owner of the R-16 zoned portion governed by ZMAP 2006-0003, and are not intended to provide a duplicate commitment with the proffers contained in ZMAP 2006-0003. To that end, the Owner has signed an agreement (hereinafter, "Proffer Allocation Agreement") with Lansdowne Development Group ("LDG"), owner of Loudoun County Tax Map 79 ((62)), Parcels 4 (MCPI 087-17-7312), which is the R-16 zoned portion of ZMAP 2006-0003, allocating responsibility for performance of the proffers between the Owner and LDG, as well as their successors and assigns. A copy of the Proffer Allocation Agreement is located in the land records of Loudoun County, Virginia as Instrument Number 20091009-0068916.

I. CONCEPT DEVELOPMENT PLAN

The development of the Property shall be in substantial conformance with the Concept Development Plan, identified as Sheet(s) 1, 3, 4, and 5 of the Morley Corner—Temple Baptist Church Zoning Map Amendment Plan dated July 30, 2009, revised through April 5, 2010, prepared by Bowman Consulting Group, Ltd. (the "Concept

Development Plan” or “CDP”). Minor adjustments to the locations of the proposed uses, facilities and improvements shown on the CDP shall be permitted to address grading, drainage, environmental considerations, compliance with regulatory agencies (i.e., VDOT), as well as cultural and natural features, development ordinance requirements, other final engineering considerations, and to accommodate the recommendations of archeological studies.

II. DEVELOPMENT SCOPE

A. PD-OP Development

The PD-OP zoned portion of the Property shall be developed as a church, accessory recreational facilities and child care uses as permitted by Section 4-303 (X) and (Y) respectively of the Zoning Ordinance with a maximum square footage of 162,400 square feet. Additionally, the Owner is seeking special exception approval concurrent with this zoning amendment application for a private school accessory to a church pursuant to Section 4-304 (S) of the Zoning Ordinance.

B. Commercial Uses

The development of commercial uses on the portion of the Property zoned PD-CC (NC) shall include up to 22,500 square feet of commercial uses permitted in the PD-CC (NC) zoning district pursuant to Section 4-203 (A) of the Zoning Ordinance. Additionally, the Owner reserves the right to seek the uses permitted by special exception pursuant to Section 4-204 (A) of the Zoning Ordinance on the property zoned PD-CC (NC).

C. Water and Sewer

The Property will be developed using public water and sewer services, with such facilities provided at no cost to Loudoun County or to Loudoun Water.

D. Phasing

The PD-OP zoned portion of the Property will be completed in four phases. Phase I will include the construction of a “Phase I Church Building” up to 2,400 s.f. and the construction of the lighted recreational playing fields, tennis and basketball courts. Phase II will include construction of the majority of the Main Church Building. Upon completion of Phase II, the Phase I Church Building will continue to be used in the same manner as in Phase I. Phase III will include the construction of the ministries building, as well as the addition of the Kindergarten space and playground as well as a gymnasium up to 5,000 s.f. as an expansion of the Main Church Building; and Phase IV will include the addition of a Fellowship Hall up to 5,300 s.f. and main auditorium balcony to the Main Church Building.

The Owner may seek approval of a parking reduction at the time of Phase IV site plan approval as permitted by the Zoning Ordinance, if the Owner determines that parking needs can be met with the existing required parking. The PD-CC (NC) zoned portion of the Property shall not be subject to phasing and may be constructed at any time upon approval of this rezoning.

III. CHILD CARE

The child care use shall operate before and after school hours only beginning no earlier than 6:00 a.m. and closing no later than 7:00 p.m. Monday through Friday. The only children who may attend the child care facility are children enrolled in the private school operated on the Property.

IV. RECREATIONAL FACILITIES AND SIDEWALKS

A. Ashburn Village Boulevard Trail

The Owner shall provide a 10-foot wide asphalt trail located within a maximum 14-foot wide public access easement along Ashburn Village Boulevard, in the general location shown on the CDP. Such improvements shall be made in conjunction with the development of the Property as shown on each applicable site plan and/or subdivision plat. The Owner shall grant a public access easement to the County necessary to accommodate this trail in conjunction with the approval of the first site plan for development on the Property. The trail, once constructed, shall be maintained by the Property Owners Association required by Proffer VII, below.

B. Waxpool Road Trail

The Owner shall provide a 10-foot wide asphalt trail located within a maximum 14-foot wide public access easement along Waxpool Road, in the general location shown on the CDP. Such improvements shall be made in conjunction with the development of the Property as shown on each applicable site plan and/or subdivision plat. The Owner shall grant a public access easement to the County necessary to accommodate this trail in conjunction with the approval of the first site plan for development on the Property. The trail, once constructed, shall be maintained by the Property Owners Association required by Proffer VII, below.

C. Bicycle Parking

The Owner shall provide a minimum of two bicycle parking racks, with a minimum capacity of 10 bicycles per rack, at one or more locations throughout the Property (one located in the PD-OP section and one located in the PD-CC-(NC) section). Bicycle racks shall be maintained by the Property Owners Association.

D. Recreational Facilities

The church may construct accessory recreational facilities including, but not limited to, baseball, softball, t-ball and soccer fields, and basketball and tennis courts along with an associated concession stand with rest room facilities. The recreational fields will be used only in conjunction with church activities only and will not otherwise be open to the general public. No public address system, loudspeakers, or hand-held bullhorns will be allowed for the outdoor recreational uses and the use of whistles for any purposes associated with the outdoor recreational uses shall be limited to fields of play.

The fields, basketball, and tennis courts may be lighted with the daily hours of operation of the lights restricted to no later than 9:30 p.m., as needed. The light pole heights shall be limited to a maximum of 70 feet for the baseball, softball, t-ball and soccer fields and a maximum of 40 feet for the basketball and tennis courts. These lights shall be cut-off and fully shielded and directed downward and inward to minimize glare on adjacent properties and public streets. The Applicant shall utilize the Musco Light-Structure Green model brand of outdoor field lighting or the performing equivalent. If the outdoor field lighting needs to be replaced, the replacement lighting shall match the existing lighting model or be replaced with an equivalent or more technologically advanced outdoor field lighting model designed to provide equivalent or better reduction of off-site glare and reflection. At least four benches will be provided throughout the Property.

V. TRANSPORTATION

A. Ashburn Village Boulevard

1. The Owner shall construct two lanes of a four lane divided road section of Ashburn Village Boulevard across the frontage of the Property, in addition to right turn lanes and left turn lanes for the two full-movement entrances to the Property, as shown on the CDP. In no event shall any record plat or site plan application on the Property be approved until all of the two-lane improvements along Ashburn Village Boulevard provided pursuant to Proffer V.A.1 and V.A.2 under ZMAP 2006-0003 have been bonded for construction.

2. Owner shall dedicate right-of-way, along with all construction and maintenance related easements located outside of the right-of-way, to accommodate the widening of Ashburn Village Boulevard, described in Proffer V (A).1. The right-of-way shall be dedicated prior to or in conjunction with approval of the first record plat or first site plan for development of the Property, whichever occurs first.

B. Waxpool Road (Route 625)

1. The Owner shall dedicate, at no cost to the County, sufficient right-of-way within the Property to accommodate the right turn lane into the Property from Waxpool Road shown on the CDP. The Owner shall dedicate the right-of-way in conjunction with the approval of the first record plat or the first site plan for development of the Property, whichever is first in time.

2. The Owner shall construct two lanes of a four lane divided road section of Waxpool Road across the frontage of the Property, plus the right turn lane into the Property as shown on the CDP. The Owner shall construct or bond these improvements prior to or in conjunction with the approval of the first record plat or first site plan for development of the Property, whichever occurs first. The Owner shall also grant all necessary construction and maintenance-related easements associated with such improvements.

C. Traffic Signal at Ashburn Village Boulevard and Waxpool Road

The Owner shall make a monetary contribution to the County of \$57,875 towards construction of the traffic signal at the intersection of Ashburn Village Boulevard and Waxpool Road. Such contribution shall be made in conjunction with approval of the first record plat or first site plan for development on the Property, or on the R-16 zoned portion of the Morley Corner Property whichever occurs first.

D. Traffic Signal at Ashburn Village Boulevard and Red Rum Drive/Romans Road

The Owner shall fund a traffic signal warrant analysis, upon request by the Virginia Department of Transportation ("VDOT"), the County, or earlier in the discretion of the Owner for a traffic signal at the intersection of Ashburn Village Boulevard and Red Rum Drive/Romans Road. If such traffic signal is warranted, the Owner shall construct and install a pedestrian-activated traffic signal in such location and Owner shall be responsible for 50% of the costs of installation of such signal. If Owner pays for more than its 50% share of the costs of installation, the Owner, or the Owner's assignee, shall be entitled to be reimbursed by the County (from funds proffered or contributed by third parties for the purpose of installing the traffic signal at such intersection) for any monies expended by the Owner exceeding the Owner's 50% share and actually received by the County. Upon completion of the installation at the intersection of Ashburn Village Boulevard and Red Rum Drive/Romans Road, the Owner shall provide verified invoices for the costs of installation of such traffic signal and shall submit a request to the County for release of such funds. The Owner understands and acknowledges that such reimbursement is dependent upon receipt of funds from third parties and that the County does not guarantee such reimbursement.

F. Construction of Improvements by Others

In the event that any parties other than the Owner construct any improvements listed in Proffer V.A or V.B above, the Owner shall make a regional contribution to Loudoun County in an amount equivalent to the verified cost of said paid improvements, as verified by Loudoun County. Such contribution shall be paid to Loudoun County at the time the Owner's obligations to construct such improvements would have occurred under the terms of these proffers. Such contribution shall be applied towards regional transportation improvements in the vicinity of the Property at the discretion of the Board of Supervisors.

G. Private Roadway

The internal private roadway connection to the R-16 zoned portion of the Morley Corner project shall be used for emergency vehicle access purposes only. The Owner shall install a barrier, such as a chain, across the driveway between the two parcels to block access to all motor vehicles other than emergency vehicles.

H. Crosswalks

Pedestrian crosswalks which cross over private roadways and driveways on the Property shall be constructed of decorative paving and have either the same decorative material in a contrasting pattern or concrete as an edging. The width of the crosswalks shall be at least as wide as the pedestrian walkways they connect.

VI. ENVIRONMENT

A. Tree Conservation Area

1. The Owner shall establish a Tree Conservation Area in the locations shown on Sheet 3 of the CDP. A minimum of 80 percent of the tree canopy within the Tree Conservation Area will be preserved, exclusive of stands of Virginia Pine over 25 years in age. Encroachments counting towards the 20 percent disturbance shall be limited to trails, stormwater management facilities, retaining walls, and utilities. To the extent the Owner is able to preserve native, healthy, sustainable canopy as certified by a professional forester or certified arborist outside the Tree Conservation Area, such preserved areas shall count toward the minimum 80 percent commitment.

2. If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County's Urban Forester that any healthy tree located within the boundaries of the Tree Conservation Area has been damaged during construction and will not survive, then prior to bond release, the Owner shall remove such tree and replace it with two (2) 2 ½ - 3 inch caliper native, non-invasive deciduous trees. The species and placement of replacement trees shall approximate that of the removed damaged tree, unless otherwise agreed upon by the Owner and the County's Urban Forester.

3. The documents establishing and governing the Property Owners Association ("POA") required by Proffer VII hereof shall prohibit removal of trees in the Tree Conservation Area without specific permission of the Urban Forester, except as necessary to accommodate Forest Management Techniques recommended by a professional forester or certified arborist in order to protect or enhance the viability of the tree canopy. Such Forest Management Techniques may include, without limitation, pruning and removing vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect infested, dead, or hazardous to life or property. The POA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the Association without written approval from the County. The site plan for each portion of the Property containing Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited, except in accordance with the Association's Declaration of Covenants. Boundaries of the Tree Conservation Area shall be delineated on the site plan for each section of the development.

B. Riparian Buffer and Management Buffer

The Owner shall establish a 50-foot open space management buffer (the "Management Buffer") as shown on the CDP. Within the 50-foot Management Buffer, the Owner shall establish a 25-foot open space riparian buffer (the "Riparian Buffer") as shown on the CDP. Where the Riparian Buffer is denuded or otherwise void of vegetation, Owner shall plant one hundred and seventy-five (175) deciduous and evergreen trees per acre, a minimum of 25% of which shall be evergreen trees. Owner shall employ minimum 1-inch caliper deciduous trees and minimum 6-foot tall evergreen trees, both of which shall be native plant species. Only uses and improvements related to clearing, grading, and the location of utilities or retaining walls on the Property shall be permitted in the Riparian Buffer prior to reforestation. Following reforestation, only those uses listed in the Revised 1993 Zoning Ordinance under the definition of "Passive Recreation Uses" shall be permitted within the Riparian Buffer. The Owner shall submit a riparian planting plan prepared by a professional forester, landscape architect or ISA (International Society of Arborists) Certified Arborist, as part of the landscape plan submitted at the time of the first site plan for the development of areas adjacent to the Riparian Buffer for review and approval by the County Urban Forester. The approved riparian planting plan will be implemented concurrent with development of the area(s) immediately adjacent to the Riparian Buffer.

Outside of the 25-foot Riparian Buffer, only uses and improvements related to clearing, grading, and the location of utilities on the Property shall be permitted in the Management Buffer. In addition to clearing and grading for utilities, clearing and grading and the construction of a retaining wall for the athletic fields specifically shall be permitted in the Management Buffer. Once these improvements are installed, the Owner shall re-seed any areas disturbed within the Management Buffer and maintain these areas with a grass cover.

C. Site Lighting

All lighting fixtures used in parking areas and on building exteriors shall be cut-off as well as fully shielded, directed downward, and designed to prevent glare on adjacent properties and public streets. The maximum average illumination for parking lots and for structured parking shall be 3 foot candles and the maximum average illumination for exterior building lighting, including security lighting, shall be 5 foot candles.

D. Storm Water Management

The Owner shall, subject to engineering feasibility at the time of site plan, implement Low Impact Design ("LID") measures on the portion of the Property draining to the stormwater management facility located across Ashburn Village Boulevard, such as, but not limited to, filterra bioretention systems, grassed swales, vegetative filter strips, or other bioretention facilities, to enhance water quality. The Owner shall coordinate with the County at the time of applicable site plan(s) to implement those LID measures deemed likely to be effective on the Property, subject to engineering feasibility and the constraints of the Property. The LID measures, if applicable, will be designed and implemented in accordance with the adopted provisions of the FSM

E. Goose Creek Stormwater Protection Policies

The Owner shall comply with the standards set forth in Section 1 (a) of Table 4-1 of the Goose Creek Stormwater Protection Policies.

F. Landscaping Materials

Landscaping provided on the Property shall include a minimum of 50% native plant materials or acceptable alternative as approved by the County in the landscape plans included as part of the site plan applications for the Property.

G. Recreational Field Maintenance

The Owner shall use organic fertilizers, pesticides and insecticides, if needed, to maintain the grassed playing fields. Additionally, the Owner may use the on-site well to irrigate or water the grassed playing fields. The Applicant will construct at least one rainwater cistern on the Property that will help meet irrigation demands for athletic fields and/or landscaping. Additionally, the Owner will meet the requirements of Section 6.240 of the Facilities Standards Manual ("FSM"), which requires hydrogeologic studies under certain conditions, during all phases of the development of the project.

H. Parking Area Screening

The Owner shall provide a Type II buffer along the Ashburn Village Parkway frontage of the Property to screen the cars parked adjacent to the Ashburn Village Parkway frontage.

VII. PROPERTY OWNERS ASSOCIATION

A. Property Owners Association

1. POA General Responsibilities

All property owners within the Property shall be members of a Property Owners Association (the "POA"). The POA will be responsible for establishing architectural guidelines and design standards, maintaining common areas including parking lots, maintaining common area landscaping, removing snow from private streets, and ensuring trash removal services, for the Property not otherwise maintained by VDOT or the County.

2. Establishment of POA

Prior to approval of the first site plan for the Property, draft documents for the establishment of the POA shall be submitted to the County for review and approval. The POA shall be established, and a Declaration of Covenants therefore recorded in the Land Records prior to approval of the first site plan for the Property.

B. Design Guidelines

In order to provide for the implementation of design concepts, the POA covenants shall require the establishment of a design review committee and shall require said committee to adopt design standards in general conformance with the Design Guidelines, included by reference as Exhibit C (dated May 25, 2010) (the "Design Guidelines"). The guidelines shall provide for the regulation of streetscape and architectural standards that will ensure the development of an attractive and unified community. The Morley Corner design review committee shall be established and its design guidelines imposed within three (3) months of the creation of the POA and shall review all development plans.

VIII. EMERGENCY SERVICES

A. Prior to the issuance of each zoning permit for the Property, a one-time contribution of \$0.10 per gross square foot of floor area covered by such permit shall be paid to the County for distribution by the County to the primary volunteer fire and rescue companies providing service to the Property.

B. Said amounts are stated in 1988 dollars, and shall escalate each January 1 thereafter in conformance with the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI").

C. Contributions made pursuant to this Section VIII shall be divided equally between the primary fire and rescue companies providing service to the Property. Notwithstanding the foregoing at such time as the primary fire and rescue services to the Property are no longer provided by incorporated volunteer companies, the obligation to make the contributions required by this section shall cease. The intent of these provisions is to support a volunteer fire and rescue system so long as a volunteer system is the primary provider of fire and rescue services to the Property. If only one of these services ceases to be provided by a volunteer company, then the contribution required by this section shall be halved and shall continue to be provided to the remaining volunteer company.

IX. AGREEMENTS WITH FARMWELL HUNT HOA

[PROFFER FULFILLED]

~~The Owner shall make annual contributions towards the maintenance and upkeep of such stormwater management pond, such amount to equal one half of the payment required under Proffer IX.B for ZMAP 2006-0003, which is equivalent to 12.5% of the annual costs of maintenance and upkeep of said stormwater management pond. Such obligation shall be assumed by the POA once such association is created.~~

X. ESCALATOR

Unless otherwise specified herein, all cash contributions required by these proffers shall be subject to an annual escalator based on the CPI with a base year of 2010. The first such escalation shall occur January 1 of 2011, and shall be applied each January 1 thereafter.

The undersigned hereby warrants that all owners with a legal interest in the Property have signed this Proffer Statement, that they, together with the others signing this document, have full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

TEMPLE BAPTIST CHURCH OF HERNDON, INC.

By: _____(SEAL)

Name: _____

Title: _____

STATE OF _____)

) to-wit:

COUNTY/CITY OF _____

The foregoing Proffer Statement was acknowledged before me this ____ day of _____, 2010, by _____, as _____ of _____.

Notary Public

My Commission Expires: _____

EXHIBIT A

MORLEY CORNER – TEMPLE BAPTIST CHURCH
ZONING MODIFICATIONS

Zoning Ordinance Section	<u>Revised 1993 Zoning Ordinance Requirement</u>	Morley Corner Proposed Modifications
Section 4-205(C)(2), Adjacent to Agricultural and Residential Districts and Land bays Allowing Residential Uses.	<i>"(All Centers) No buildings, parking, outdoor storage, areas for collection of refuse or loading areas shall be permitted closer than (100) feet to any agricultural districts, any existing or planned residential district, or land bays allowing residential uses. No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses or areas are visible from said agricultural and residential areas."</i>	The Owner requests modification of the 100 foot yard requirement adjacent to residential uses along the northern boundary and along the western property line to be modified to a minimum of 20 feet so as to provide loading, parking, and trash removal in the PD-CC(NC) portion of the Property within such required yard. In lieu of such perimeter yard, Owner proposes a Type III buffer adjacent to residential uses along the northern boundary.
Section 4-305(B), Adjacent to Agricultural and Residential Districts and Land bays Allowing Residential Uses.	<i>No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (100) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where</i>	The Owner requests modification of the 100 foot yard requirement adjacent to residential uses along the northern boundary and along the western property line to be modified to a minimum of 20 feet so as to provide loading, parking, and trash removal in the PD-OP portion of the Property within such required yard. In lieu of

	<p><i>such uses are visible from said agricultural and residential areas. When a PD-OP lot, parcel and/or land bay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the Subject Property as PD-OP, the setback required in (B) (3) below shall apply.</i></p>	<p>such perimeter yard, Owner proposes a Type III buffer adjacent to residential uses along the northern boundary.</p>
<p>Section 4-206(D)(1), Building Requirements. Vehicular Access, Neighborhood Centers.</p>	<p><i>To permit one full-movement access to the private access roadway serving the Subject Properties.</i></p>	<p>The Applicant's proposal seeks to maximize use of the approved Red Rum Drive/Ashburn Village Boulevard intersection and minimize the number of private commercial entrances and reduce traffic movements on Ashburn Village Boulevard. The traffic from the small-scale commercial use and the church-related uses can be served adequately by a private roadway, not requiring a public local street. Additionally, the reduced roadway width design permitted for private roadways serves to increase the amount of open space within the Subject Properties.</p>